

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, March 18, 2003
Tuesday, 9:04 A.M.

The City Council met in regular session with Vice Mayor Martz in the Chair. Council Members Brewer, Gale, Lambke, Pisciotte, present. (Fearey, Knight; absent)

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Graves, City Clerk; present.

Douglas Lindsey, Christian Science Teacher, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes --
-- approved

The Minutes of the regular meeting of March 4, 2003, and the special meeting of March 10, 2003, were approved 5 to 0. (Fearey, Knight; absent)

AWARDS AND PRESENTATIONS

PROCLAMATION

Proclamation previously approved was presented.

PUBLIC AGENDA

Robert B. Coyle – Problems concerning property at 3680 Sunnybrook.

Mr. Coyle was not present.

UNFINISHED BUSINESS

**EMERGENCY
PREPAREDNESS**

EMERGENCY PREPAREDNESS.

Continued from March 4, 2003; presented by Sedgwick County)

Randy Duncan

Emergency Management Director said the Emergency Operations Plan outlines roles and responsibilities.

- HSAS color code activities.
- BT handbook on CD.
- New Emergency Center passes and locations.
- Working w/City staff on contact information.

How to know what to do when.

- Procedure same for EHCM biological incidents as any other disaster.
 - Once disaster occurs, assessment of situation begins.
 - Emergency Operations Center may or may not activate.
 - Key - unless Emergency Center activated – City Council remains in office, or in other location to be reached by other means.

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Levels of activation:

- One or more services of EOC (i.e. volunteer storm spotters).
- Larger scale emergency - front line emergency response agencies.
- Level that requires need for policy guidance and response to the emergency. Elected officials present in EOC.

Bob Lambke

Sedgwick County's Public Safety Director reviewed Chemical Biological preparedness.

- Antibiotics are on hand for bacterial agents.
- Antidotes are on hand for nerve agents.
- Immunizing for smallpox is on hand for the Federal Plan - first and 2nd responders.
- Distribution plan in place.
- Training to full capacity. Equipment.
- Hypothetical instance.

Chemical event - sudden and obvious.

Localized event - first response scenario. Decontamination will occur.

- Immediate full activation of EOC.
- PHS immediately engaged.
- Treatment at scene and hospitals.

Biological event. Typically, no scene.

- Could be scene with credible threat.
- Decontamination not likely.
- Manifestation of illness first clue.
- High degree of suspicion, testing confirms biological terror.

Public health emergency/EOC activation.

- Appropriate medical action.
- MMRS Media Plan...
- Awareness, instructional, event execution.
- Plan in place to use public media for information when event occurs.
- Post event - media plan for that event also.

NEW BUSINESS

SANITARY SEWER

SANITARY SEWER MAIN TO SERVE AN AREA GENERALLY BOUND BY 29TH STREET NORTH, HOOVER, K-96, AND TYLER. (District V)

Neil Cable

City Engineer reviewed the Item.

Agenda Report No. 03-0254

The City's Capital Improvement Program includes an ongoing project to extend sanitary sewer service to newly developing areas. One such area is bounded by 29th Street North, Hoover, K-96, and Tyler. The proposed project is the result of a sewer extension and service study of a large area in Northwest Wichita called Basin 4. The study is a joint effort of the City Engineer's Office, the Water and Sewer Department, and the Metropolitan Area Planning Department. The area is primarily comprised of new residential, retail, and office park additions. It will also serve a small area of older homes located west of Hoover, north of 29th.

The sewer main will connect to an existing line near 29th Street North and Ridge Road, extend north to 37th Street North, then branch west ¼ mile and east ½ mile along 37th Street North.

The estimated project cost is \$5,000,000, with \$3,750,000 paid by the Sewer Utility and \$1,250,000 paid by Special Assessments. The estimated rate of assessment to individual properties is \$00.045 per square foot.

State Statutes provide the City Council the authority to order in sanitary sewer projects.

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- Vice Mayor Martz Vice Mayor Martz inquired if anyone wished to be heard.
- Tom Ray Resident in improvement district, said he had not seen the plan and was curious whether this particular kind of improvement had been done before.
- Neil Cable City Engineer explained that residents in this area are currently served by a lateral, but have not received a main assessment.
- Karen Becker 3222 North Tyler, said her house had been at this location since 1882 and she did not want the new development. The assessment is unfair. Look to the new properties for payment. Mr. Becker said she did not want to have to move because of costs –almost \$20,000 for her property.
- Motion -- Martz moved that this Item be referred to DAB V for recommendation. Motion carried 5 to 0. (Fearey, Knight; absent)
-- carried

SANITARY SEWER SANITARY SEWER MAIN TO SERVE AN AREA GENERALLY BOUND BY 37TH STREET NORTH, BROADWAY, 69TH STREET NORTH, AND WEST OF MERIDIAN. (District VI)

Neil Cable City Engineer reviewed the Item.

Agenda Report No. 03-0255

The City's Capital Improvement Program includes an ongoing project to extend sanitary sewer mains to areas in which sanitary sewer service is not currently available. One such area is generally bound by 37th Street North, Broadway, 69th Street North, and west of Meridian. It is comprised primarily of residential neighborhoods that were developed outside the City and are served by private septic tank systems. The Department of Environmental Health reports that there are a number of failing septic systems in the area. There are also concerns about pollution caused by the close proximity of private lateral lines to the Little Arkansas River. There are over 1,600 homes in the area. City Council policy provides that sewer mains be funded 50% by Special Assessments and 50% by the Sewer Utility. The large size of the improvement district makes it impractical to circulate a petition and unlikely that supportive property owners could obtain the necessary signatures. Sewer lateral lines will have to be extended from the main to serve individual properties. It is expected that the lateral lines will be petitioned on a case-by-case basis.

The sewer main would connect to an existing line near 37th and Arkansas Avenue and would extend northwest to a point west of Meridian, north of 61st Street North. Extension to the area west of Meridian will serve undeveloped land that will be platted in the near future.

The estimated sewer main cost is \$12,200,000 with \$8,400,000 paid by the Sewer Utility and \$3,800,000 paid by Special Assessments. The funding split is not 50% Sewer Utility and 50% Special Assessments because a portion of the service area is outside the City and those costs will be recovered by payments in lieu of assessments. The estimated assessment to individual properties is \$00.05 per square foot of ownership. The estimated cost of extending lateral sewer lines is \$14,500,000 with the total assessed to improvement districts. The estimated rate of assessment to individual properties is \$00.22 per square foot.

State Statutes provide the City Council authority to order in sanitary sewers without regard to protest and without notice. But by City Council practice, an informal public hearing is held by the affected District Advisory Board and a formal hearing by the City Council. Owners of property within the proposed assessment district are notified of both hearings.

Vice Mayor Martz Vice Mayor Martz inquired if anyone wished to be heard and no one appeared.

Motion -- Martz moved that the Project be referred to the District Advisory Board. Motion carried 5 to 0.
-- carried (Fearey, Knight; absent)

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ELECTRICAL CODE ELECTRICAL CODE ORDINANCE CHANGES (TITLE 19).

Kurt Schroeder

Central Inspection Superintendent reviewed the Item.

Agenda Report No. 03-0256

The National Electrical Code (NEC), published by the National Fire Protection Association, is revised and updated every three years to keep current with changing industry standards and practices. The 2002 edition of the NEC is the latest and most current edition. Presently, the City of Wichita is enforcing the 1999 edition of this Code. The Board of Electrical Appeals, and the Office of Central Inspection (OCI) staff, have reviewed this latest edition of the NEC (in detail). Input was solicited from various electrical trade organizations and individuals. A public hearing was held on August 27, 2002. On September 10, 2002, the Board voted unanimously to recommend to the City Council that the 2002 edition of the National Electrical Code be adopted (by reference in Title 19) with revisions to the sections listed.

Over the past two months, OCI staff has reviewed the proposed Ordinance revisions with each of the City's District Advisory Boards. All of the District Advisory Boards have supported adoption of the amended Ordinance, as proposed.

The review process has been very positive with one exception. A new section of the 2002 National Electrical Code (Section 210-12- Arc-Fault Circuit-Interrupter Protection) has drawn opposition from the Wichita Area Builders Association. This new section requires that all new branch circuits installed that supply 125-volt, single-phase, 15- and 20-ampere outlets installed in dwelling unit bedrooms shall be protected by an arc-fault circuit-interrupter. (Definition: An arc-fault circuit-interrupter is a device intended to provide protection from the effects of arc faults by recognizing characteristics unique to arcing, and by functioning to de-energize the circuit when an arc fault is detected.)

At the August 13, 2002, Board of Electrical Appeals meeting, WABA President and CEO Wess Galyon and WABA Codes Committee Chairman Dave Sproul addressed the Board concerning this section of the Code. Mr. Galyon stated the association feels the AFCI requirement results in higher costs being imposed on the public without definite proof the utilization of these devices will result in an improved product. They requested this section of the 2002 NEC be amended and not required in the City of Wichita.

However, the Board of Electrical Appeals disagreed. The Board feels the use of arc-fault circuit-interrupter circuit breakers in new construction will result in fewer fires and save lives. The Board based its decision on additional data and documentation supporting arc-fault circuit-interrupters and concluded that they provide a far safer degree of protection than conventional circuit breakers and will add an important level of safety in dwellings. The Board also feels the increased cost is minimal. (For a typical 1500 square ft. three bedroom dwelling the increased cost is approximately \$100 to \$150.) Therefore, at its September 10, 2002, Board meeting, the members voted unanimously to not recommend amending this section out of the 2002 NEC.

Wichita Area Builders Association representatives were invited to attend the District Advisory Board meetings when this matter was reviewed and discussed. No WABA representatives appeared at any of the DAB meetings to express their views or concerns about the proposed ordinance amendments.

The proposed amendments are as follows:

Section 19.08.015: Amended to eliminate apprentice registration and change the numeric ratio of apprentices certified electricians.

Section 19.08.018: Repeal this section.

Section 19.08.061: Amend to permit the Superintendent of Central Inspection to establish fees to cover costs.

Section 19.08.150: Amend to reference the currently adopted City of Wichita Building Code.

Section 19.08.155: Amend to reference the currently adopted City of Wichita Building Code.

Section 19.12.010: Amend to reflect adoption of the 2002 edition of the National Electrical Code.

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Section 19.12.040: Amend to clarify the number of service-entrance conductor sets permitted to a building.

Section 19.12.050: Amend to reflect the size of electrical services permitted in certain applications.

Section 19.12.060: Repeal this section.

Section 19.12.090: Amend to clarify the proper use of conductor colors for branch circuits.

Section 19.12.100: Amend to reference the currently adopted City of Wichita Building Code.

Section 19.12.110: Repeal this section.

Section 19.12.120: Amend to clarify the definition of dead front disconnects.

Section 19.12.150: Repeal this section.

Section 19.12.170: Repeal this section.

Section 19.12.180: Create new section to amend section 334.10 of the 2002 NEC pertaining to uses of non-metallic sheathed cable.

Section 19.12.190: Repeal this section.

There are no changes to present OCI permit, license and examination fees.

Vice Mayor Martz Vice Mayor Martz inquired if anyone wished to be heard.

Lonnie Wright Lonnie Wright spoke in support of adoption of the Code.

Wes Galyon Builders' Association spoke of concerns regarding adoption of the AFCI portion of the Code, and asked that AFCI provisions be amended out of the Code in favor of provisions in the current Code. There is evidence to suggest that the product does not provide additional safety. There is not reason enough to require installation of AFCI's.

Larry Clark Chair of the Electrical Board stated that the purpose of the National Code is to protect citizens. The National Electrical Code has been in place for over 50 years. The code process is based on consensus.

Motion -- Pisciotte moved that the Ordinance, with the exception of the AFCI Item, be placed on first reading; and the AFCI portion be returned within six-months for Council decision based on gathered information.
-- carried Motion carried 4 to 1. Lambke – No.

ORDINANCE

An Ordinance amending Sections 19.08.015, 19.08.061, 19.08.150, 19.08.155, 19.12.010, 19.12.040, 19.12.050, 19.12.090, 19.12.100 and 19.12.120 of the Code of the City of Wichita, Kansas and repealing the originals thereof; creating Section 19.12.180; and repealing Sections 19.08.018, 19.12.060, 19.12.110, 19.12.150, 19.12.170 and 19.12.190; all pertaining to the Electrical Code of the City of Wichita, Kansas, introduced and under the rules laid over.

SPECIAL ASSMTS. PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR TWENTY-ONE (21) PAVING PROJECTS IN BOND SALE SERIES 774, JULY 2003.

Neal Cable City Engineer reviewed the Item.

Agenda Report No. 03-0257

The City Council was notified February 4, 2003 for paving projects that the proposed assessment rolls were on file for public inspection in the Debt Management Office of the Finance Department.

Notice of hearing was published February 7, 2003 being not less than ten days prior to the date of hearing. Property owners have been notified in writing. City personnel held informal hearings February 24, 2003 for the paving projects.

Statements of Special Assessment will be mailed to the property owners on April 4, 2003. The property owners have 30 days from the date of statement to pay their assessment to avoid paying interest. The

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assessments not paid during this period will be in the July 2003 Bond Sale and put on the 2003 tax roll over a 15 year spread at the interest rate for which the bonds sell.

These projects were initiated pursuant to provisions of K.S.A. 12-6a01 et seq. All were 100% petitions with the following exceptions:

Paving Projects:

472-83180	60%	Petition Edwards, 25th to 26 th
472-83317	57%	Petition Mead

On February 4, 2003 the Council was notified that the proposed assessment rolls for construction of the following paving projects had been prepared and were on file in the office of Debt Management in the Finance Department for public inspection:

Paving Projects:

472-83180	60%	Petition - Edwards, 25th to 26th
472-83317	57%	Petition - Mead

PAVING PROJECTS

- a) (472-83114\765689\490-800) - IMPROVING 37TH STREET NORTH TO SERVE RIDGE PORT NORTH ADDITION as authorized by Resolution No. R-99-185, adopted May 25, 1999, and published May 28, 1999. Petition for this improvement was approved by owners representing 100% of the property ownership. The Statement of Cost approved December 10, 2002 in the amount of \$117,440 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- b) (472-83113\765700\490-811) - IMPROVING 34TH STREET NORTH TO SERVE RIDGE PORT NORTH ADDITION as authorized by Resolution No. R-99-184, adopted May 25, 1999, and published May 28, 1999. Petition for this improvement was approved by owners representing 100% of the property ownership. The Statement of Cost approved December 10, 2002 in the amount of \$121,473 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- c) (472-83143\765709\490-820) - IMPROVING HIGHLAND SPRINGS, REMINGTON LANE, BLUEGRASS, HIGHLAND SPRINGS COURTS, REMINGTON LANE COURT, BLUEGRASS COURT AND SIDEWALKS TO SERVE HIGHLAND SPRINGS SECOND ADDITION as authorized by Resolution No. R-99-381 amended by R-02-238, adopted September 28, 1999 and May 14, 2002, and published October 1, 1999 and May 18, 2002 respectively. Petition for this improvement was approved by owners representing 100% of the property ownership. The Statement of Cost approved December 10, 2002 in the amount of \$293,884 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.
- d) (472-83180\765615\490-726) - IMPROVING EDWARDS TO SERVE NORTHWEST HEIGHTS ADDITION as authorized by Resolution No. R-00-008, adopted January 11, 2000, and published January 14, 2000. Petition for this improvement was approved by owners representing 60% of the property ownership. The Statement of Cost approved December 10, 2002 in the amount of \$121,623 is to be apportioned 84% payable by the improvement district and 16% payable by the City-at-large. The cost has been assessed on a square foot basis.
- e) (472-83235\765691\490-802) - IMPROVING PARKRIDGE, RYAN PLACE, RYAN COURTS, PARKRIDGE COURT, AND SIDEWALK TO SERVE WEST RIDGE ESTATES as authorized by Resolution No. R-00-195, adopted May 2, 2000, and published May 5, 2000. Petition for this improvement was approved by owners representing 100% of the property ownership. The Statement of Cost approved December 10, 2002 in the amount of \$574,826 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

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f) (472-83245\765704\490-815) -IMPROVING CHURCHILL CIRCLE, CHURCHILL COURT TO SERVE WILSON FARMS SECOND ADDITION as authorized by Resolution No. R-00-283, adopted July 18, 2000, and published July 24, 2000. Petition for this improvement was approved by owners representing 100% of the property ownership. The Statement of Cost approved December 10, 2002 in the amount of \$99,133 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

g) (472-83275\765657\490-768) - IMPROVING 34TH STREET NORTH, HAZELWOOD, RIDGE PORT, 34TH COURT NORTH, HAZELWOOD COURT, AND SIDEWALK ALONG ONE SIDE OF 34TH STREET NORTH AND RIDGE PORT TO SERVE RIDGE PORT NORTH 3RD ADDITION AND RIDGE PORT NORTH ADDITION as authorized by Resolution No. R-00-382 rescinded by R-01-315, adopted October 24, 2000 and July 24, 2001, and published October 28, 2000 and corrected and republished November 11, 2000 and July 28, 2001. Petition for this improvement was approved by owners representing 100% of the property ownership. The Statement of Cost approved December 10, 2002 in the amount of \$770,576 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

h) (472-83317\765674\490-785) - IMPROVING MEAD TO SERVE SMITHMOOR 10TH ADDITION as authorized by Resolution No. R-01-089, adopted March 6, 2001, and published March 10, 2001. Petition for this improvement was approved by owners representing 20% of the property ownership. The Statement of Cost approved December 10, 2002 in the amount of \$85,955 is to be apportioned 57% payable by the improvement district. The cost has been assessed on a square foot basis.

i) (472-83329\765690\490-801) - IMPROVING DECEL & LEFT TURN LANES ON WOODLAWN & 37TH ST N TO SERVE WHISPERING BROOK COMMERCIAL SECOND ADDITION as authorized by Resolution No. R-01-086 and R-01-084 amended by R-01-298 and rescinded by R-02-022, adopted February 27, 2001 and July 24, 2001 and January 15, 2002, and published March 3, 2001 and July 28, 2001 and January 19, 2002. Petition for this improvement was approved by owners representing 100% of the property ownership. The Statement of Cost approved December 17, 2002 in the amount of \$387,567 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

j) (472-83359\765681\490-792) - IMPROVING COVINGTON, COVINGTON CT TO SERVE THE LOCHS AT ABERDEEN, ABERDEEN 3RD ADDITION AND EVANGEL ASSEMBLY OF GOD ADDITION as authorized by Resolution No. R-01-129, adopted March 27, 2001, and published April 2, 2001. Petition for this improvement was approved by owners representing 100% of the property ownership. The Statement of Cost approved December 10, 2002 in the amount of \$432,937 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

k) (472-83375\765698\490-809) -IMPROVING 19TH STREET NORTH, CHURCHILL, FREDERIC/RED OAKS, SIDEWALK TO SERVE REMINGTON PLACE as authorized by Resolution No. R-01-162, adopted April 24, 2001, and published April 28, 2001. Petition for this improvement was approved by owners representing 100% of the property ownership. The Statement of Cost approved December 10, 2002 in the amount of \$467,197 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

l) 472-83381\765685\490-796) - IMPROVING CARR TO SERVE AN UNPLATTED TRACTS IN NORTHEAST QUARTER, SECTION 31, TWP27S, R1W as authorized by Resolution No. R-01-197 amended by R-02-237, adopted May 8, 2001 and May 14, 2002 and published May 12, 2001 and May 18, 2002. This project was ordered in by Council on April 3, 2001. The Statement of Cost approved December 10, 2002 in the amount of \$59,068 is to be apportioned 80% payable by the improvement district and 20% by private donations. The cost has been assessed on a square foot basis.

m) 472-83410\765734\490-845) - IMPROVING SANDPLUM CIRCLE, SANDPLUM COURT, SANDPLUM CIRCLE AND CUL-DE-SAC TO SERVE RIDGE PORT NORTH 3RD ADDITION as authorized by Resolution No. R-01-317, adopted July 24, 2001, and published July 28, 2001. Petition

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for this improvement was approved by owners representing 100% of the property ownership. The Statement of Cost approved December 10, 2002 in the amount of \$96,461 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

n) (472-83417\765694\490-805) - IMPROVING ONEWOOD, DOGLEG, ONEWOOD CT AND SIDEWALK TO SERVE AUBURN HILLS 13TH ADDITION as authorized by Resolution No. R-01-343, adopted August 14, 2001, and published August 18, 2001. Petition for this improvement was approved by owners representing 100% of the property ownership. The Statement of Cost approved December 10, 2002 in the amount of \$597,824 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

o) (472-83421\765696\490-807) - IMPROVING NORTH-SOUTH ALLEY WEST OF SANTA FE TO SERVE J.P. HILTON'S ADDITION as authorized by Resolution No. R-01-332, adopted August 14, 2001, and published August 18, 2001. Petition for this improvement was approved by owners representing 100% of the property ownership. The Statement of Cost approved December 10, 2002 in the amount of \$31,201 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.

p) (472-83422\765703\490-814) - IMPROVING RICHMOND CIRCLE TO SERVE LEGACY SECOND ADDITION as authorized by Resolution No. R-01-381, adopted September 11, 2001, and published September 15, 2001. Petition for this improvement was approved by owners representing 100% of the property ownership. The Statement of Cost approved December 10, 2002 in the amount of \$80,645 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

q) (472-83424\765705\490-816) - IMPROVING TRIPLE CROWN, BUCKSKIN, BUCKSKIN CT, TRIPLE CROWN CT, STAMPEDE AND SIDEWALK TO SERVE EQUESTRIAN ESTATES as authorized by Resolution No. R-01-378, adopted September 11, 2001, and published September 15, 2001. Petition for this improvement was approved by owners representing 100% of the property ownership. The Statement of Cost approved December 10, 2002 in the amount of \$946,310 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

r) (472-83440\765707\490-818) - IMPROVING ST PAUL, 43RD STREET SOUTH, ST PAUL CIRCLE, 43RD STREET COURT SOUTH AND SIDEWALK TO SERVE THE LEGACY ADDITION as authorized by Resolution No. R-01-476 amended by R-02-309, adopted November 20, 2001 and July 2, 2002, and published November 24, 2001 and July 8, 2002 respectively. Petition for this improvement was approved by owners representing 100% of the property ownership. The Statement of Cost approved December 10, 2002 in the amount of \$170,089 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

s) (472-83448\765710\490-821) - IMPROVING PINE MEADOW, BEDFORD STREET, BEDFORD CIRCLE, BEDFORD COURTS AND SIDEWALK TO SERVE PINE MEADOW SECOND ADDITION as authorized by Resolution No. R-02-019, adopted January 8, 2002, and published January 12, 2002. Petition for this improvement was approved by owners representing 100% of the property ownership. The Statement of Cost approved December 10, 2002 in the amount of \$351,780 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

t) (472-83449\765711\490-822) - IMPROVING PINE MEADOW AND SIDEWALKS TO SERVE PINE MEADOW ADDITION AND PINE MEADOW SECOND ADDITION as authorized by Resolution No. R-02-013, adopted January 8, 2002, and published January 12, 2002. Petition for this improvement was approved by owners representing 100% of the property ownership. The Statement of Cost approved December 10, 2002 in the amount of \$183,643 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

u) (472-83498\765724\490-835) - IMPROVING FUNSTON, PIERCE CIRCLE, LEANNE LANE AND CUL-DE-SAC TO SERVE SMITHMOOR 10TH ADDITION as authorized by Resolution No. R-02-128, adopted March 5, 2002, and published March 9, 2002. Petition for this improvement

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was approved by owners representing 100% of the property ownership. The Statement of Cost approved December 10, 2002 in the amount of \$258,513 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis. The City Council was notified February 4, 2003 for paving projects that the proposed assessment rolls were on file for public inspection in the Debt Management Office of the Finance Department.

Notice of hearing was published February 7, 2003 being not less than ten days prior to the date of hearing. Property owners have been notified in writing. City personnel held informal hearings February 24, 2003 for the paving projects.

Statements of Special Assessment will be mailed to the property owners on April 4, 2003. The property owners have 30 days from the date of statement to pay their assessment to avoid paying interest. The assessments not paid during this period will be in the July 2003 Bond Sale and put on the 2003 tax roll over a 15 year spread at the interest rate for which the bonds sell.

These projects were initiated pursuant to provisions of K.S.A. 12-6a01 et seq. All were 100% petitions with the following exceptions:

Paving Projects:

472-83180	60%	Petition Edwards, 25th to 26 th
472-83317	57%	Petition Mead

Neil Cable City Engineer asked that Items B and G be deferred to provide citizens answers to questions.

Vice Mayor Martz Vice Mayor Martz inquired if anyone wished to be heard.

Daniel Johnston 1660 South Lark said he was in the improvement district and was paying for 13 percent of the street. Mr. Johnston said there are 17 houses and the assessment should be divided equally. The people who benefit the most are paying the least.

Motion -- Martz moved that the Public Hearing be closed; the assessments on B and G be deferred, and the remainder be approved; and the Ordinances be placed on first reading. Motion carried 4 to 1
-- carried Lambke – No. (Fearey, Knight; absent)

a) (472-83114\765689\490-800)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving 37th Street North to serve Ridge Port North Addition, introduced and under the rules laid over.

b) DEFERRED

c) (472-83143\765709\490-820)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Highland Springs, Remington Lane, Bluegrass, Highland Springs Courts, Remington Lane Court, Bluegrass court and sidewalks to serve Highland Springs Second Addition, introduced and under the rules laid over.

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d) (472-83180\765615\490-726)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Edwards to serve Northwest Heights Addition, introduced and under the rules laid over.

e) 472-83235\765691\490-802)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Parkridge, Ryan Place, Ryan Courts, Parkridge Court, and sidewalk to serve West Ridge Estates, introduced and under the plans laid over.

f) (472-83245\765704\490-815)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Churchill Circle, Churchill Court to serve Wilson Farms Second Addition, introduced and under the rules laid over.

g) DEFERRED

h) (472-83317\765674\490-785)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Mead to serve Smithmoor 10th Addition, introduced and under the rules laid over.

i) (472-83329\765690\490-801)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving decel & left turn lanes on Woodlawn & 37th Street North to serve Whispering Brook Commercial Second Addition, introduced and under the rules laid over.

j) (472-83359\765681\490-792)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Covington, Covington CT to serve the Lochs at Aberdeen, Aberdeen Third Addition, and Evangel Assembly of God Addition, introduced and under the rules laid over.

k) (472-83375\765698\490-809)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving 19th Street North, Churchill, Frederic/Red Oaks, sidewalk to serve Remington Place, introduced and under the plans laid over.

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l) 472-83381\765685\490-796)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Carr to serve an unplatted tracts in northeast quarter, Section 31, TWP27S, R1W, introduced and under the plans laid over.

m) 472-83410\765734\490-845)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Sandplum Circle, Sandplum Court, Sandplum Circle and cul-de-sac to serve Ridge Port North Third Addition, introduced and under the rules laid over.

n) (472-83417\765694\490-805)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Onewood, Dogleg, Onewood CT and sidewalk to serve Auburn Hills 13th Addition, introduced and under the rules laid over.

o) (472-83421\765696\490-807)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving north-south alley west of Santa Fe to serve J.P. Hilton's Addition, introduced and under the rules laid over.

p) (472-83422\765703\490-814)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Richmond Circle to serve Legacy Second Addition, introduced and under the rules laid over.

q) (472-83424\765705\490-816)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Triple Crown, Buckskin, Buckskin CT, Triple Crown CT, Stampede and sidewalk to serve Equestrian Estates, introduced and under the plans laid over.

r) (472-83440\765707\490-818)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving St Paul, 43rd Street South, St Paul Circle, 43rd Street Court South and sidewalk to serve the Legacy Addition, introduced and under the rules laid over.

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s) (472-83448\765710\490-821)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Pine Meadow, Bedford Street, Bedford Circle, Bedford Courts and sidewalk to serve Pine Meadow Second Addition, introduced and under the rules laid over.

t) (472-83449\765711\490-822)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Pine Meadow and sidewalks to serve Pine Meadow Addition and Pine Meadow Second Addition, introduced and under the rules laid over.

u) (472-83498\765724\490-835)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Funston, Pierce Circle, Leanne Lane and cul-de-sac to serve Smithmoor 10th Addition, introduced and under the rules laid over.

PRODUCT MFG.

PUBLIC HEARING AND TAX EXEMPTION REQUEST – PRODUCT MANUFACTURING CORPORATION. (District IV)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 03-0258

Product Manufacturing Corporation located at 4330 May in southwest Wichita, was locally formed in 1947. Product Manufacturing Corporation is a leader in sheet metal fabrication, close tolerance machining and assembly for the aerospace industry. As a result of consistent growth in sales, the company has expanded its manufacturing capacity to include construction of a 36,000 square foot building addition and the purchase of machinery and equipment, for a total project cost of \$3,993,089. Prior to undertaking this expansion, the Company notified the City of its intent to request an Economic Development Expansion (EDX) on additional manufacturing space and new equipment.

Product Manufacturing Corporation mills close-tolerance component aircraft parts in support of Wichita's major aircraft manufacturers. They specialize in the high-speed machining of aluminum and complex CNC milling of hard alloys. Sheet metal details are fabricated using the most modern manufacturing techniques. Detailed components are assembled into higher level assemblies for their customers. The Company's commitment to quality, delivery and discovering innovative and cost effective manufacturing processes has made them a leader in the machining industry.

The Company's vertical milling equipment combines the latest CNC vertical technology into lean manufacturing cells. This lean manufacturing enables them to continually reduce set-up times, cycle times and lead-times. The Company's vertical mills are capable of precision tolerances and high volume production. Product Manufacturing Corporation utilizes next-generation multi-axis turning centers with lathes and machining centers that fuse multi-dimensionality. Turning operations can be followed by real milling operations in one chucking; changeover setup is not required and major improvements are achieved in intensive processing. The Company is an "integrated supplier" and is capable of medium to complex assemblies as well as kitting of major components. By utilizing state-of-the-art equipment, the Company is able to meet the customer's complex manufacturing requirements.

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Product Manufacturing currently employs 52 employees. The expansion project includes construction of a 36,000 s.f. addition, which more than doubles the company's existing facility, and purchasing new equipment. As a result of the expansion project, Product Manufacturing will create 20 new jobs over the next five years. Product Manufacturing exports 100% of all production out of Kansas via Boeing, Raytheon, and Cessna.

Under the City's Business Incentives Policy, Product Manufacturing Corporation is eligible for the following:

TAX EXEMPTION ELIGIBILITY

<u>ELIGIBLE %</u>	<u>INCENTIVE</u>	<u>EXPLANATION</u>
35.0%	New Job Creation:	Product Manufacturing will create at least 20 new jobs.
36.0%	Capital Improvements:	Product Manufacturing will invest at least \$23,650,132.
71.0%	Sub Total Business - Incentive Eligibility (Maximum allowed is 50%)	
50.0%	Export Premium:	Product Manufacturing exports 100% of its product outside Kansas.
50.0%	Sub Total – Export Premium (Maximum allowed is 50%)	
100.0%	TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY	

Under the City's Business Incentives Policy, Product Manufacturing is eligible for 100% tax exemption on new real and personal property for a five-year term and 50% exemption on real property only for a second five-year term, subject to Council review. A notice of public hearing has been published. Product Manufacturing has agreed to comply with the conditions set forth in the Business Incentive Policy.

The estimated first year taxes on the proposed \$3,993,089 expansion would be \$26,051 on real property improvements, and \$76,387 on personal property, based on the 2002 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$102,438 of new taxes for the real and personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$28,272; County/State - \$28,143; and USD 259 - \$46,023.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	1.97 to one
Sedgwick County	1.73 to one
USD 259	2.73 to one
State of Kansas	1.52 to one

Vice Mayor Martz Vice Mayor Martz inquired if anyone wished to be heard and no one appeared.

Motion -- Gale moved that the public hearing be closed and the Ordinance granting a 100% tax exemption on the identified real and personal property improvements for a five year term, and a 50% exemption on real property only, for a further five-year period, subject to City Council review, be placed on first reading. Motion carried 5 to 0. (Fearey, Knight; absent)

-- carried

ORDINANCE

An Ordinance exempting property from Ad Valorem Taxation for economic development purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Product Manufacturing Corporation so exempted, introduced and under the rules laid over.

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WATERWALK

PUBLIC HEARING AND ADOPTION OF THE WATERWALK REDEVELOPMENT PROJECT PLAN. (District I)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 03-0259

In 1995, the City Council took the necessary legal steps to establish the East Bank Redevelopment District for the purpose of generating tax increment financing for public improvements located within the district. The action taken by the City Council set 1995 as the base year, from which the increase in property tax revenues (the tax increment) will be measured. On June 18, 2002, the City Council adopted an ordinance reducing the boundaries of the Redevelopment District. The new boundary of the Redevelopment District includes Douglas Avenue to Kellogg Street and from Main Street to McLean Boulevard. The project area is from Kellogg Street to Waterman Street and from Main Street to McLean Boulevard.

For the County Treasurer to be authorized to set aside the increment of increased property tax revenues collected within the Redevelopment District, the City must adopt a redevelopment project plan that describes the district and the projects being financed with TIF revenue to finance the TIF-eligible improvements. On February 11, 2003, the City Council adopted a resolution stating it is considering the adoption of the Redevelopment Project Plan and directed notice be given that a public hearing would be held on the matter on March 18, 2003.

State law directs the City to prepare the redevelopment project plan "in consultation with the planning commission of the city." On March 6, 2003, the Wichita-Sedgwick County Metropolitan Area Planning Commission met to consider the WaterWalk Redevelopment Project Plan and found that the Plan is consistent with the general comprehensive plan for development of the City.

The financial feasibility study contained in the Redevelopment Project Plan examines the projected change in assessed valuation of the property located within the East Bank Redevelopment District from the base year (1995) to the year in which planned redevelopment projects will be fully reflected in the County's database of property values (2009). The following table summarizes the revenue side of the analysis:

	<u>1995 Base Year</u>	<u>2009 Projected</u>
Appraised Value	\$4,596,440	\$86,945,000
Assessed Value	\$880,075	\$17,113,175
Captured Value		\$16,223,100
2002 Mill Levy		113.960
Annual Tax Increment		\$2,135,529

The analysis assumes that only those projects which are currently planned will be constructed, that assessed property values in the district will remain unchanged once the planned developments are completed, and that the City/County/School District mill levy will not increase or decrease. The analysis shows that the stream of projected tax increment revenues, together with anticipated parking revenues is sufficient to retire the principal and interest on a \$22 million general obligation tax increment bond issue over a fifteen-year period at current interest rates. The balance of the project costs will be financed by general obligation bonds paid from general property tax revenues as provided for in the Capital Improvement Program.

The plan for redevelopment of the East Bank area includes a private mixed-use commercial and residential development that incorporates a meandering public waterway system. The private development will include office buildings, entertainment, lodging, retail, and restaurant establishments located throughout the Project and residential units including apartments and high-end condominiums. Tax increment financing is one of several sources of financing within the Project Area, which also include developers' debt and equity funds, parking revenues and citywide property taxes.

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Use of tax increment financing:

Upon adoption of the redevelopment project plan, the City will have established its authority under state law to issue general obligation bonds to finance the TIF-eligible improvements, which bonds will be repaid from the incremental increase in property taxes resulting from the redevelopment of the Project Area, from parking revenue generated by the project and by City funds programmed in the approved Capital Improvement Program. The TIF-eligible improvements consist of the following:

Public parking facilities	\$ 8,150,000
Waterway improvements	14,100,000
Streetscape improvements	800,000
Land acquisition	4,900,000
Design/engineering costs	<u>2,150,000</u>
Total TIF-eligible costs	\$30,850,000

It is anticipated that the projects funded with tax increment financing will be financed with full faith and credit tax increment bonds. In the event that tax increment revenues fall short of projections, City-at-large funding will be required to supplement tax increment revenues.

The Law Department drafted the ordinance, which is required for the adoption of a redevelopment project plan under the state tax increment financing statutes. The notice for a public hearing on the City's intent to adopt the redevelopment plan has been given pursuant to law. In order to adopt the redevelopment plan, the City Council must approve the Ordinance by a two-thirds majority. Once adopted, the City Clerk must forward copies of the Ordinance to the County Clerk, County Treasurer and County Appraiser.

Vice Mayor Martz	Vice Mayor Martz inquired if anyone wished to be heard.
Ed Wolverton	Mr. Wolverton said today's actions only deal with how to fund the plan and encouraged approval.
Tom Docking	Morris, Laiing Law Firm said he has experience with TIF bonds and also wants to see Downtown Wichita grow. The Plan carries with it the promise of residential and retail back in the Downtown District. Mr. Docking urged approval.
Larry Weber	Vice President and General Manager of the Garvey Center spoke in support of the development. Part of the reasons his firm is doing improvements in the downtown area is because of this project. Today's vote validates previous Council action. Mr. Weber urged approval.
Les Depperschmidt	WDDC Board Member encouraged support of this vital project.
Motion --	Brewer moved that this Item be deferred to the March 25, 2003, City Council meeting.
Substitute motion -- -- failed	Lambke moved a substitute motion that this Item be deferred until April 15, 2003, to be considered by the New City Council. Substitute motion failed 3 to 2. Brewer, Pisciotte – No. (Four votes required to pass an Item.)
-- failed	Motion failed 3 to 2. Lambke, Martz – No. (Four votes required to pass an Item.)
Gary Rebenstorf	Director of Law explained that the Item will be automatically placed on the March 25 th , 2003, City Council Agenda (next City Council meeting).

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CONDEMNATIONS REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Kurt Schroeder Central Inspection Superintendent reviewed the Item.

Agenda Report No. 03-0260

On February 4, 2003 a report was submitted with respect to the dangerous and unsafe conditions on two (2) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on March 18, 2003.

On January 6, 2003, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

<u>Property Address</u>	<u>Council District</u>
a. 2649 North Spruce	I
b. 508 South Meridian	IV

Pursuant to State Statute the Resolutions were duly published twice on February 8, 2003 and February 15, 2003. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Vice Mayor Martz Vice Mayor Martz inquired if anyone wished to be heard.

Allen Jones New owner of 508 South Meridian requested 60 days to complete demolition and 7 days to pay the 2002 taxes.

Motion -- Brewer moved that the public hearing be closed and the Resolutions declaring the buildings dangerous and unsafe structures be adopted; and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of March 18, 2003; (2) the structure(s) has/have been secured as March 18, 2003 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of March 18, 2003 and will be so maintained during renovation. Motion carried 5 to 0. (Fearey, Knight; absent)

-- carried

RESOLUTION NO. 03-120

Resolution finding that the structure described as: Lots 20 and 22, on Meridian Avenue, Maple Street Addition, to Wichita, Sedgwick County, Kansas, commonly known as 508 South Meridian, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Brewer moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gale, Lambke, Martz, Pisciotte. (Fearey, Knight; absent)

Motion -- Gale moved that the public hearing be closed and the Resolutions declaring the buildings dangerous and unsafe structures be adopted; and 60 days be granted to complete demolition conditioned on the following: (1) All taxes have been paid to date, as of March 25, 2003; (2) the structure(s) has/have been secured as March 18, 2003 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of March 18, 2003 and will be so maintained during renovation. Motion carried 5 to 0. (Fearey, Knight; absent)

-- carried

RESOLUTION NO. 03-119

Resolution finding that the structure described as: S. 1 ft. Lot 11 and N. 50 ft. Lot 12, Block 4, Ridgecrest Addition to Wichita, Sedgwick County, Kansas, commonly known as 2649 North Spruce, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Gale moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Gale, Lambke, Martz, Pisciotte. (Fearey, Knight; absent)

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FRANCHISE

SOUTHWESTERN BELL TELEPHONE FRANCHISE AGREEMENT.

Joe Pajor

Natural Resources and Franchise Director reviewed the Item.

Agenda Report No. 03-0261

The City has had a telecommunications franchise agreements with Southwestern Bell Telephone (now Southwestern Bell Telephone, L.P. d/b/a SBC Kansas) for many years. The current agreement was adopted by the City Council on April 16, 1996. The agreement is currently under an extension until March 31, 2003.

Any utility that makes commercial use of the public street right-of-way must have a franchise agreement with the City in order to occupy this public space. A new franchise agreement between the City and Southwestern Bell Telephone, L.P. (d/b/a SBC Kansas) has been negotiated.

The new agreement has a term of three years with a renewal for one additional three-year term unless the City or SBC Kansas notifies the other party prior to 180 days of the renewal. The agreement also provides for renegotiation of the agreement during the term if there is a qualifying change in law. The agreement sets out requirements on the Company relative to its use of the right of way. The City has the right to review placement of facilities in the right-of-way prior to construction by the Company. The Company must also keep and make available to the City when requested accurate as-completed records of all new or reconstructed facilities along arterial streets.

As the first telecommunications franchise under the 2002 Telecommunications Providers Act, it is intended that this contract franchise will serve as a competitively neutral model for other telecommunications franchises that will follow for other telecommunications companies.

Under the current agreement the City receives a franchise fee from the Company of \$1.81 per access line per month. Under the new agreement the franchise fee will be 5% of the gross receipts of the Company from the provisioning of local telephone service to customers within the city limits.

Franchise fee receipts from SBC Kansas peaked in calendar year 1999 at \$4,759,408. From 1999 to 2000 revenues fell by 4.8%. From 2000 to 2001 revenues fell by an additional 8.7%. From 2001 to 2002 revenues fell by another 15.3%. The year 2002 receipts under this franchise totaled \$3,508,420. This erosion in franchise payments corresponds to a reduced line count of the Company. The reduced line count is due to loss of lines to other phone companies, reduction of second lines for data (to either cable modem or DSL service), and to wireless service providers. Of these losses, only those to other companies providing wired local phone service can still be captured through other franchise agreements.

State law provides that telecommunications franchises can be based on either 5% of gross receipts or a fee per access line. Given the erosion of the access line revenues cited above and given that even as line count reduces and technological evolution occurs, it is reasonable to assume that local phone companies will continue to have reasonable level of gross receipts from customers within the city limits for local phone service. Based on these factors, staff has negotiated the new franchise agreement based on 5% of gross receipts, but the agreement retains the flexibility to switch back to an access line based franchise fee if that is indicated as being more attractive in the future.

This contract franchise is consistent with the requirements and limitations of the 2002 Telecommunications Providers Act. This contract franchise has been reviewed and approved as to form by the City Attorney.

Vice Mayor Martz

Vice Mayor Martz inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Pisciotte moved that the Franchise Ordinance be placed on first reading. Motion carried 5 to 0. (Fearey Knight; absent)

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ORDINANCE

An Ordinance of the City of Wichita, Kansas, granting to Southwestern Bell Telephone L.P. d/b/a SBC Kansas, a telecommunications local exchange service provider, a Contract Franchise for the providing of local exchange service in the City of Wichita; prescribing the terms of said Grant and relating thereto; and repealing Ordinance No. 43-128, introduced and under the rules laid over.

PERMIT FEES

REVISED FEE STRUCTURE FOR STREET RIGHT-OF-WAY PERMITS.

Neil Cable

City Engineer reviewed the Item.

Agenda Report No. 03-0262

The Engineering Division of the Department of Public Works issues various permits to contractors, utility companies and drainlayers authorizing their work in street right-of-way. The fees are intended to offset the inspections and administration of the permit system. The proposed permit fee increases are a one-time collective adjustment based on the U.S. Department of Labor Consumer Price Index (CPI-U) for All Urban Consumers indexed from the date of the last action to the present.

The proposed revisions also index the permit fees to the CPI-U (All Urban Consumers). Each year the CPI-U for the previous year will be applied to the permit fees to establish revised rates. In order to smooth the changes from year to year, fees are proposed to increase in \$5 increments, with the fee rounded to the nearest \$5 (up or down). This minor rounding will reduce the frequency of changes, and will allow contractors and staff to track costs more easily. Any fee revisions will be returned to the City Council for ratification on or about the first of February each year, and the revisions will be effective for a minimum of 12 months.

In addition to the revenue increases, the proposed changes include an additional Street Inspector, which was approved during the budget process last year. The new Inspector will allow City Inspectors to maintain service levels as the City expands and will result in an immediate decrease in overtime by current inspection staff. The proposed changes include purchase of a vehicle and computer for the new position, which were budgeted in 2002 but not purchased.

The proposed fee increases will change City Code Sections follows:

10.08.180 - The administrative fee for minor street privilege permits has been increased from \$50 to \$70.

10.12.030 - The fee for an annual cement contractor license has been increased from \$45 to \$60. The fee for a six-month cement contractor license has been increased from \$30 to \$40 and the fee for a three-month license has been increased from \$20 to \$30. In addition a fee of \$50 (per test) is to be paid for testing of qualifications to be licensed.

10.12.050 - The fee for a sidewalk permit for 0 to 20 lineal feet of sidewalk has been increased from \$25 to \$35 and the fee for over 20 lineal feet of sidewalk has been increased from \$45 to \$60. The fee for wheelchair ramps, curb cuts and flumes has been increased from \$50 to \$70.

10.20.050 - The fee for a pavement cut permit has been increased from \$50 to \$70. The fee for a monitoring well permit has been increased from \$50 to \$70. The fee for dirt cut permit has been increased from \$25 to \$35.

11.68.150 - The fee for hooding a parking meter has been increased from \$3 to \$4.

18.24.040 - The fee for a use of street permit has been increased from \$30 to \$40 and the cost per square foot per day is increased from \$.005 to \$.007.

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Other changes to said Sections are as follows:

10.12.010 & 10.12.030 – City Code currently requires that drive approaches constructed in the city shall be of concrete unless otherwise ordered by the City Council, and shall be constructed according to specifications on file. The proposed changes clarify the guidelines and give the City Engineer the authority to waive the concrete and license requirements for such circumstances as: Concrete approaches are not required on unpaved or mat streets. Temporary gravel approaches are granted to builders needing access during construction. Contractors and/or property owners wishing to install gravel approaches are not required to be licensed for cement construction on city right-of-way.

10.12.040 & 10.20.40 - City Code currently requires that cement contractors & others file a \$2,000 surety bond with the City Clerk before a license is issued. The proposed change increases the bond amount to \$5,000 to cover the rising cost of construction. Claims are made against bonds for nonpayment of permit fees as well as for unfinished and/or poor quality work on city right-of-way.

10.12.050 - No charge permits are being issued for temporary asphalt and unpaved approaches. The proposed change adds a permit fee of \$25 for temporary asphalt and unpaved approaches.

10.12.060 – City Code allows refusal of permits to contractors that do not obey reasonable rules and regulations. Refusing permits does not deter contractors likely to be in violation nor does it recover the cost of enforcement. The proposed changes will allow penalties for no inspections, failure to renew licenses and penalties on late unpaid permit fees.

10.12.070 – City Code requires a special permit for concrete work during the winter months. The proposed changes provide for special mixing and concreting operations during cold weather.

10.12.080 – City Code currently requires that all public sidewalks must be five feet in width unless all sidewalks already built in that particular block are four feet in width, or unless otherwise ordered by the City Council. The proposed change will allow the City Engineer as well as the City Council to order the width of the sidewalks.

10.12.140 – City Code requires the building of any new sidewalk with a petition of twenty-five or more property owners. The proposed change is to a majority of resident owners or by owners representing 51% or more of the area of the improvement district.

10.12.190 – City Code allows City Council to provide for the removal of sidewalk. The proposed change will allow the City Engineer as well as the City Council to provide for the removal of sidewalk.

10.12.110, 10.12.120, 10.12.130, 10.12.160 and 10.12.180 – The proposed changes update the language and add wheelchair ramps.

10.20.060, 10.20.150 and 10.20.170 – City Code requires that anyone making excavations in street right-of-way maintain traffic control. The proposed changes update the reference manual to the latest edition of the “Manual on Uniform Traffic Control Devices.”

10.20.070 and 10.20.090 – City Codes specifies the backfill required for excavations in street right-of-way. The proposed changes give the City Engineer the authority to require flowable fill.

10.20.080 – City Code requires that all construction or repair of building foundations adjacent to streets be thoroughly cleaned and backfilled. The proposed change specifies that the inspection will be performed by Central Inspection and gives Central Inspection the authority to recover in a civil action the actual cost of the restoration.

10.20.150 – City Code provides that the excavation contractor is responsible for the maintenance of traffic control starting twenty-four hours after eight a.m. or the next working day for city employees following such notice; provided, that when a notice is released to the city on Friday, the

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excavation shall be maintained through Sunday or any legal holiday or double holiday that follows Sunday, etc. The proposed change provides that the excavation contractor is responsible for the maintenance of traffic control until the city's contractor makes the permanent repair.

10.20.160 – City Code specifies that all pavement, curb, gutter, and sidewalk that is failing due to inadequate backfill be replaced by the division of maintenance. The proposed change allows the City Engineer to replace the backfill and surface and hold the person who did the backfill liable.

10.20.170 – City Code currently allows excavation contractors with the approval of the Superintendent of Public Works Maintenance to hire a paving contractor to make repairs on street right-of-way. The proposed change requires that the excavation contractor obtain a permit from the City Engineer for repair by the city's contractor.

10.20.030 and 10.20.100 – The proposed changes update the language.

The proposed fee increases are projected to generate an additional \$150,000 per year in revenues. Notices to contractors and utilities have been sent advising them that the proposed increases are to be effective May 1, 2003.

Vice Mayor Martz

Vice Mayor Martz inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Martz moved that the Ordinances be placed on first reading and the budget transfer be approved. Motion carried 5 to 0. (Fearey, Knight; absent)

ORDINANCE

An Ordinance amending Section 10.08.180 of the Code of the City of Wichita, Kansas pertaining to the charge for minor street or minor use privilege permits in the City and repealing the original of said Section, introduced and under the rules laid over.

ORDINANCE

An Ordinance amending Sections 10.12.010, 10.12.030, 10.12.040, 10.12.050, 10.12.060, 10.12.070, 10.12.080, 10.12.110, 10.12.120, 10.12.130, 10.12.140, 10.12.160, 10.12.180 and 10.12.190 of the Code of the City of Wichita, Kansas, pertaining to the construction of all public sidewalks, curbs, gutters and private drive approaches in the City and repealing the originals of said section., introduced and under the rules laid over.

ORDINANCE

An Ordinance amending sections 10.20.030, 10.20.040; 10.20.050, 10.20.060, 10.20.070, 10.20.080, 10.20.090, 10.20.100, 10.20.150, 10.20.160 and 10.20.170 of the Code of the City of Wichita, Kansas, pertaining to any opening in the surface of a public place made in any manner whatsoever, except an opening into a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the public place in the City and repealing the originals of said Sections, introduced and under the rules laid over.

ORDINANCE

An Ordinance amending Section 11.68.150 of the Code of the City of Wichita, Kansas, pertaining to the fee for the hooding of any parking meter in the City and repealing the original of said Section, introduced and under the rules laid over.

ORDINANCE

An Ordinance amending Section 18.24.040 of the Code of the City of Wichita, Kansas, pertaining to the permit to use streets in the City and repealing the original of said Section, introduced and under the rules laid over.

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TRANSIENT MERCH. TRANSIENT MERCHANT ORDINANCE REVISIONS.

Kurt Schroeder

Central Inspection Superintendent reviewed the Item.

Agenda Report No. 03-0263

During the winter and spring of 2002, the Office of Central Inspection (OCI) and Wichita Police Department responded to a number of complaints regarding a special, once-a-month sales event comprised of numerous out-of-town and local temporary merchants. The special sales events was generally being conducted at a different location each month.

In responding to and investigating these complaints, OCI determined that neither the event sponsor/s, nor any of the participating vendors, had obtained City of Wichita "Itinerant Merchant" or temporary "Stand" licenses as required by Titles 3.95 and 3.08.280 of the Code of the City of Wichita. Ultimately, a citation was issued to the event sponsor for operating the monthly sales event without obtaining a City of Wichita "Itinerant Merchant" license as required by Title 3.95 of the City Code.

The sponsor of the monthly sales event contested the citation to the Law Department, the City Manager's Office, the City Council and others. After a detailed review of the citation and of City Code Title 3.95, the City Law Department issued an opinion stating that the City ordinance is unenforceable as currently written, and that continued efforts to enforce it could be successfully challenged in court on constitutional grounds.

Subsequent to receiving the legal opinion from the Law Department, the City Council and City Manager's Office directed that staff review this matter in greater depth, present the issues/recommendations to District Advisory Boards (DABs) for public review, comment and recommendation, and then bring this back to City Council for final consideration.

In September 2002, a staff committee comprised of representatives from the Law Department, the Wichita Police Department, the City Treasury/Licensing Office, the Neighborhood Assistance/DAB Office and the Office of Central Inspection was established to further review laws and ordinances governing "itinerant merchants" and "stand vendors", and to develop alternatives and recommendations for DAB consideration. In October 2002, a background paper outlining several alternate proposals was prepared by the staff committee, and was then presented to and reviewed by the DABs during November and December 2002.

All DABs recommended that staff and Council proceed with Option 3, although several DABs made suggestions for additional or clarifying language/requirements. The DAB suggestions were reviewed, and nearly all have been incorporated into the amended ordinance provisions. Option 3 basically combines current City Code Chapters 3.95 (regarding "itinerant merchants") and 3.08.280 (regarding temporary "stand vendors") into a single ordinance, and also amends the Code to apply to all itinerant merchants regardless of residency, thereby resolving the Law Department concern regarding constitutionality of the current ordinance.

Per Option 3 and DAB recommendations, the following additional provisions have been included in the revised ordinance:

- Inclusion of a "Findings and Purpose" section, and inclusion of new, more specific definitions of "transient merchants" and "merchandise".

- Exemption of certain activities from licensing, such as: sales of agricultural products through an organized farmer's market; sales at trade shows or conventions halls (such as those at Century II or in hotel convention halls); temporary sales inside shopping malls or shopping centers; sales at fairs or other civic promotions where such activity is sponsored by the City, or another governmental entity; temporary sales by public or private schools, certain civic organizations or not-for-profit entities when certain conditions can be met; sales of newspapers; and sales authorized by Wichita Festivals, Inc. pursuant to Chapter 3.14. Other

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very specific outdoor “miscellaneous sales”, as outlined in Chapter 3.44 (such as church, school or non-profit Christmas tree or pumpkin sales, or residential garage sales), would also be exempt from “transient merchant” licensing, provided they obtained the appropriate “miscellaneous sales” license.

--New merchant requirements including: providing proof of Kansas sales tax collection authorization/license; providing written receipts to customers; allowing law enforcement or other City staff to enter the premise of the activity to request a copy of the license or to view records or operations; following specific limitations on operating hours; providing adequate parking for customers, disallowing any type of sound amplification devices; providing adequate trash containment and removal; and following limitations on signage, banners, streamers, etc.

--Revisions to the current fee structures to allow for licenses to be issued on a daily, weekly, monthly, or semi-annual basis, making the license fees the same for all “transient merchants” (the current City fee structures for itinerant merchants and for various categories of “stand vendors” are all different, and in some cases, only allow for daily or 10-day fee rates). While the new rate structure is simplified, it will translate to a license fee increase for most transient merchants (in most cases, about a 40% - 50% fee increase). However, fees have not been increased for these licenses in nearly twenty years.

The new fee structure will increase most licenses by about 45%. Annual revenue from “transient merchant” licenses (approximately 200 annually) should increase by about \$2,500, or from about \$5,600 to \$8,100.

Vice Mayor Martz

Vice Mayor Martz inquired if anyone wished to be heard and no one appeared.

Motion --

Martz moved that the Ordinance creating Chapter 3.95 of the City Code, and repealing current City Code Chapters 3.95 and 3.08.280, to enact revised requirements and fees for “transient” merchant licensing, be placed on first reading. Motion carried 5 to 0. (Fearey, Knight; absent)

-- carried

ORDINANCE

An Ordinance creating Chapter 3.95 of the Code of the City of Wichita, Kansas, pertaining to transient merchants and temporary sales of certain merchandise within the City, and repealing the original of said Chapter 3.95 and also repealing Section 3.08.280 of the City Code, introduced and under the rules laid over.

PUBLICATIONS

PUBLICATION OF LEGAL NOTICES.

Kelly Carpenter

Assistant Finance Director reviewed the Item.

Agenda Report 03-0264

A Request for Proposals (RFP) was sent to four (4) vendors to provide publication of legal notices. There were three vendors, Wichita Eagle, Daily Reporter and Wichita Business Journal that meet the K.S.A. 64-101 statutory requirements, including:

- publication of daily circulation, Monday through Friday,
- operation for at least five years,
- mailed in Sedgwick County as second class mail,
- general paid circulation in Sedgwick County,
- not be a trade, religious, or fraternal publication, and
- printed in Kansas and published in Sedgwick County.

A staff committee reviewed the three proposals submitted based on qualifications, experience, compliance with the requirements of K.S.A. 64-101, paid circulation, and pricing. Based on this criteria the Wichita Eagle provides the widest distribution/circulation to the citizens of Wichita in the City’s

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publication of legal notices. The Eagle reduced its costs (.03¢ per line) from the prior contract. In addition, the Wichita Eagle offers a larger circulation (70,000), versus 1,500 for the competing vendor. The cost per line charge would be 65¢. The disadvantage of legal publications in the Eagle have been the random placement of legal ads, many of which are distributed throughout the paper on various pages and sectors making it extremely difficult for anyone trying to read all of the legal ads.

The proposals submitted by the three vendors is shown on the following chart:

	<u>The Wichita Eagle</u>	<u>The Daily Reporter</u>	<u>Wichita BusinessJournal</u>
Cost per line	.65¢	.45¢	.68¢
Cost of additional affidavits	no charge	.50¢	no charge
Cost of copies of affidavits	no charge	.25¢	no charge

The proposed contract will be for a period of one (1) year, with options to renew under the same terms and conditions for additional one-year periods, by mutual agreement of both parties.

Municipalities throughout the State joined in legislation this year to permit the posting of legal notices on their respective websites. This would provide easy access to the public to access all legal notices. However, the legislature has not yet approved of this legislation because of the significant lobbying efforts of the printed media. Nevertheless, the City plans to place its legal notices on the City's web www.wichita.gov. It is also investigating the feasibility of place of such notices on the City's cable Channel #7. Therefore, the wider circulation offered by the Eagle newspaper may not be as important.

Finance Considerations: The City's expenditures for legal notice publications are listed:

	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
Daily Reporter	\$129,495	\$92,848	\$6,456	\$12,102
Wichita Eagle	\$120,427	\$231,645	\$224,375	

A comparison of the proposals between the Wichita Eagle and the Derby Reporter is as follows:

Cost per Line	Est. 2003 Cost (330,000 lines)	
Wichita Eagle	\$0.65	\$214,500
Derby Reporter	\$0.45	<u>\$148,500</u>
Cost Difference (Savings)		\$ 66,000

These legal publication costs are significant when the City is attempting to reduce its overhead costs. Having alternatives to only using the printed media for some legal notices would be advantageous to the City.

Vice Mayor Martz Vice Mayor Martz inquired if anyone wished to be heard.

Mike Tieman Wichita Eagle stated the concern that Derby does not get out information to Wichita people. The 70,000 distribution stated by the Wichita Eagle is only Wichita distribution. With regard to ads being located throughout the paper, this is done to keep costs down. If pushed, the Eagle would be willing to put the ads in one area. Mr. Tieman asked the City to look at what it is really getting.

Council Member Pisciotte Council Member Pisciotte said that with new technology, public dollars could have been saved, yet when a provision was presented in legislature to save money, the Kansas Press Association, of which the Wichita Eagle is part, lobbied to get the bill tabled. Cities are facing serious financial difficulties. Legal publications could have been posted on the web site.

Council Member Pisciotte sits on the REAP Board which represents 29 counties - focusing on shared-values of all of area. The net difference in costs will go a long way. Legal requirements can be satisfied by paper of less circulation - particularly with legal notices on the City's Web site.

Motion -- Pisciotte moved that the Contract with the Derby Reporter be approved; the necessary signatures be

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-- carried

authorized; and the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent)

RESOLUTION NO. 03-151

A Resolution of the City of Wichita, Kansas, designating the Derby Reporter as the Official City Newspaper of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent)

WASTEWATER PLAN WASTEWATER REUSE PLAN.

Dave Warren

Director of Water and Sewer reviewed the Item.

Agenda Report No. 03-0265

As the value and availability of water resources become more critical, the incentive to evaluate beneficial re-uses of treated wastewater increases. On April 9, 2002 the City Council authorized a preliminary study to evaluate the feasibility of re-using recycled water (commonly referred to as grey water) that is currently being discharged to storm sewers, sanitary sewers and the river from ground water clean-up projects, municipal wastewater treatment plants and other commercial activities. Potential re-use of this water is possible for a variety of uses, including irrigation, industrial process water, fire-fighting, heating/cooling, water features, and other beneficial uses. A preliminary report has been submitted reflecting availability and treatment/distribution costs.

The entire study on the feasibility for beneficial re-uses of water (City-wide) has not yet been fully completed, but this proposal addresses possible re-use of treated wastewater currently being discharged from the City's wastewater treatment plant. Such re-use would reduce the amount of potable water that is currently being used for irrigation and other purposes.

The Study evaluates several alternatives to capture, treat and deliver treated wastewater to potential users. The recommended initial project includes the construction of a pipeline along the Drainage Canal from the Wastewater Treatment Plant near 57th and Hydraulic to near 37th and Webb Rd. This pipeline would serve as the main transmission line for the non-potable water, and additional lines would be constructed to the various customers who would be served by this water source. The report identifies potential customers/users who are currently on the "Retail Volume Contract Conservation Rate" (RVCCR) as the most likely customers for the first phase of this project.

All these water users currently use potable (treated drinking water) water for irrigation purposes. Growing uses of irrigation and other uses of treated water is a key factor in requiring the City to develop additional water supplies. The long-term goal of the re-use plan is to provide an alternative by which the entire community can minimize the use of valuable potable water when alternative non-potable sources will more than adequately meet the water use needs. The implementation of this system would provide identified customers a means of meeting their immediate desire for alternative water sources without impacting the overall treated water resources. Redirecting these water users to recycled water will be a positive step in meeting the water conservation component of the City's approved Water Supply Plan.

The estimated construction costs for implementing this part of the plan (utilizing treated wastewater) is estimated at \$11.5 million, with an additional estimated operations and maintenance cost of \$0.04 per million gallons. High volume users on the RVCCR rate are currently charged \$1.59/1000 gallons for potable water. It is likely a grey water user charge of less than \$1.59/1000 gallons would be necessary to provide an incentive to entice customers to changeover to re-use grey water (an illustrative 25% reduction to \$1.20/1000 gallons is used in the study but any discount amount could be selected with an associated change, + or -, in the amount to be recovered from other sources).

The study identifies a number of illustrative scenarios to finance the project. The variable components of these options are: (1) a direct contribution from the City to construct the infrastructure needed to deliver the recycled water; (2) a direct charge to the customers of the recycled water; and (3) a prorated cost to all utility water users.

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	Charge Full Cost to Grey Water Customers	GO-At-Large Capital Funding and/or Grants		Spread Cost to Entire Water Customer Base	
		<u>No Discount</u>	Discount	No Discount	<u>Discount</u>
Grey Water Charge (\$/1000 gal)	\$4.26	\$1.59	\$1.20	\$1.59	\$1.20
GO-At-Large Cost		\$7,500,000	\$8,600,000		
Average Charge to Entire Water Customer Base (Monthly)				\$0.37(1.6%)	\$0.43(1.8%)

At the present time and circumstances, none of the above options appear immediately feasible. Charging the entire cost for grey water use to the small number of identified potential users is cost-prohibitive. No provision for this project has yet been made in the City's Capital Improvements Program, nor is there grant funding is presently available to underwrite the capital costs. General rate increases for this purpose also do not appear feasible under the present economic circumstance.

While immediate action does not appear economically possible at this time, the goal of shifting large volume users who do not require potable water to grey water for industrial and irrigation re-uses is highly desirable and worthy of future consideration. City efforts to identify a financially feasible mix of funding will continue.

Council Member Brewer left the bench.

Vice Mayor Martz Vice Mayor Martz inquired if anyone wished to be heard and no one appeared.

Motion -- Martz moved that the report be received and efforts be continued to achieve a grey water re-use system to reduce demands on the City's future water supply needs. Motion carried 4 to 0. (Brewer, Fearey, Knight; absent)

FIRE STATION DISP. FIRE STATION DISPOSITION.

John Philbrick Property Manager reviewed the Item.

Agenda Report No. 03-0266

The 1998-2007 Capital Improvement Plan included the relocation and construction of a number of fire stations in the City. These relocations became necessary because of recent and projected growth and the ability to provide timely emergency response to all areas of the City. Expanding City boundaries, population shifts, an increased number of multi-family complexes, and new and changing industrial developments result in changing fire risks. A comprehensive analysis was made on the alignment of City fire protection resources regarding the placement of fire stations, equipment, and station staffing. Since the study, the City has taken action to initiate the relocation of stations, including site selection and land acquisitions for two new stations.

To date, five new stations are nearing completion and will soon be operational. These stations will serve as relocations – that is, these facilities will replace existing older stations that are old and no longer efficient in serving the response areas. Once the personnel and equipment are relocated into new stations, these old facilities will be ready to surplus. The following stations will be vacated in the near future.

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2828 West 13th Street	101 South Martinson
600 West MacArthur	1903 West Pawnee
1702 South West	1955 South Santa Fe *

*This station was discontinued from active fire station use many years back, and after housing elements of Fire training for a period of time is now ready for de-activation

Once these buildings are vacated, they will be ready to be disposed of. Staff is recommending that the City's Disposal of Public Property Policy be followed by establishing a minimum price, advertising and selling to the best bidder for area compatible usage. The Council is also being requested to allow the City Manager to retain necessary facilities for temporary use for storage or other necessary City usage

The City has statutory authority to dispose of real property, including fire station properties.

Disposition proceeds (minus any sale expenses) will be deposited in the Debt Service Fund and used to defray expenses of future fire station construction.

Vice Mayor Martz Vice Mayor Martz inquired if anyone wished to be heard and no one appeared.

Council Member Gale Council Member Gale said he had heard concerns from neighbors regarding future use of some of the properties and he did not know whether he was ready to take action today.

Council Member Lambke Council Member Lambke requested a copy of the list of City-owned property.

Motion -- Gale moved that this Item be deferred two weeks. Motion carried 4 to 0. (Brewer, Fearey, Knight; -- carried absent)

AVIATION MUSEUM REQUEST FROM KANSAS AVIATION MUSEUM FOR FUNDING ASSISTANCE.

Chris Cherches City Manager reviewed the Item.

Agenda Report No. 03-0267

With the assistance of the City, the Kansas Air Museum applied for and received two federal grants several years ago to accomplish restoration work to preserve the historic (terminal) building at 3350 George Washington Blvd. These grants - \$480,000 from Transportation Enhancement Funds (TE), and \$150,000 from Surface Transportation Program - require matching funds for the TE; however, to date these needed local matching funds have not been raised. The State Department of Transportation has notified the Museum Board that grant funds will be revoked unless action is taken shortly.

The Museum Board is the recipient of two grants totaling \$750,000, including the required matching funds of \$120,000. The Board is requesting the City to allocate these matching funds before the State withdraws the grant funding so it can take steps to utilize these funds to accomplish some renovation work to protect the building from further deterioration. Such work would include exterior brick tuck-pointing; new roof membranes/flashings; and new roof drainage items. In addition, front stairs, observation deck restoration, windows and other exterior repairs are being planned.

Over the past several years, efforts have been made to obtain matching funds to allow this work to proceed; these efforts have not been successful. Therefore, the Board is seeking funding assistance from the City before it loses the available grant funding assistance.

In addition to the City, the Board has sought assistance from Sedgwick County. The Board is hopeful that the matching funding can be obtain so it can have the work completed before the city's (fall) aviation festival celebrating 100 years of flight.

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The City Council has the authority to allocate such spending assistance. The City owns the building and has leased it to the Kansas Aviation Museum. The Board is responsible for the maintenance and upkeep of the facility. Recently, this property was annexed to the City.

The Board needs to raise \$120,000 as a match for the TE grant to perform the designated rehabilitation work. While efforts are being made (in Washington) to obtain needed funding, there is no certainty that this will be accomplished. There is concern that unless these matching funds are provided, the Board will have its grants withdrawn by the State for failure to comply with the timeframes provided. The Board has discussed the financial assistance with the County, but no official response has been obtained. The City has been approached for funding to save the grant funding. The Board has several options:

1. Receive funding assistance from the County or from other sources.
2. Receive funding assistance from both the City and the County.
3. Seek a loan or grant from the City and/or County under certain terms/conditions.
4. Allow the grants to expire and close the Aviation Museum facility.

Should the City Council wish to support (in partnership with the County) the Museum's efforts to save the available \$630,000, some possible funding could come from the Historic Preservation Loan Fund.

Council Member Brewer present.

Vice Mayor Martz

Vice Mayor Martz inquired if anyone wished to be heard.

Ray Wyatt

President of the Kansas Aviation Museum Board said money is hard to come by and requested approval.

Mr. Wyatt said a satellite location is not part of this request; however, it would give a larger facility to put additional items on display. An additional location would also give opportunity to increase the spectator base significantly.

Sam Frye

Sam Frye said the grant money would go towards reconstruction of entrance terrace, exterior window restoration, removal of additions on the back-side of the main structure, and a flight observation area on the back-side of the building.

Motion --
-- died

Lambke moved that \$120,000 financing be provided to the Air Capital Museum via a specific grant. Motion died for lack of a second.

Motion --
-- carried

Martz moved that Staff be directed to explore appropriate options and report back to the City Council on March 25, 2003. Motion carried 5 to 0. (Fearey, Knight; absent)

CITY COUNCIL AGENDA

LANDFILL

REQUEST FOR APPROVAL TO SEND LETTER - EXTENSION OF OPERATION OF C & D LANDFILL.

Doug Kupper

Park and Recreation Director reviewed the Item..

Agenda Report No. 03-0268

Cornejo and Sons, Inc. have operated a Construction and Demolition Landfill at 31st Street and K-15 in Wichita since 1997 under Permit No. 0773 issued by KDHE which expires at the end of 2004. The City Council has extended Cornejo's Conditional Use Permit for this site until April 2004. The Board of Park and Recreation in a meeting held on January 27, 2003, voted to recommend to Council that it support an extension of the KDHE permit to beyond 2004.

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The City Council has extended Cornejo's Conditional Use Permit for this site until April 2004. The landfill is currently scheduled to close in 2010 at which time the area is designated to be turned into a public park. Completion of the landfill would allow the area to be turned into a public park/green space for the community.

There are no financial considerations.

The landfill project cannot be completed as originally planned without obtaining a permit extension from KDHE

Vice Mayor Martz

Vice Mayor Martz inquired if anyone wished to be heard and no one appeared.

Motion --

Martz moved that the letter recommending an extension for the Cornejo and Sons Permit to continue to operate the Construction and Demolition Landfill beyond 2004, be denied. Motion carried 5 to 0. (Fearey, Knight; absent)

-- carried

APPOINTMENTS

BOARD APPOINTMENTS.

Motion --

Martz moved that the appointments of Jerry McGinty – MAPC (Gale) be approved. Motion carried 5 to 0. (Fearey, Knight; absent)

-- carried

CONSENT AGENDA

Martz moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 5 to 0. (Fearey, Knight; absent)

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 17, 2003.

Bids were opened February 28, March 7 and March 14, 2003, pursuant to advertisements published on:

Hoover, 3rd to St. Louis to serve Fruitvale Park & Unplatted Tracts - south of Central, east of I-235. (472-83530/765737/490848) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Cornejo & Sons Inc. - \$80,122.50

Kessler, from Dora to May Street to serve West Warehouse Addition - south of Harry, east of West Street. (472-83529/765736/490847) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Kansas Paving Company - \$94,908.70

Water Distribution System to serve Whispering Lakes Estates - south of Harry, east of 143rd Street East. (448-89758/735098/470768) Does not affect traffic. (District II)

WBW Contractors - \$31,132.00

Water Supply Line to serve White Tail Addition - south of 13th Street North, east of K-96. (448-88759/735092/470762) Does not affect traffic. (District II)

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Nowak Construction - \$93,973.80

Lateral 490 Southwest Interceptor Sewer to serve Tyler's Landing Addition - south of 37th Street North, east of Tyler. (468-83577/743971/480659) Does not affect existing traffic. (District V)

Utility Contractors - \$269,376.00

Falcon from the south line of Willow Point south, west, south and east to the east line of Lot 21, Block B; Falcon Court (Lots 32 through 40, Block A) from the south line of Falcon, south to and including the cul-de-sac; sidewalk along one side of Falcon to serve Eagle's Landing at North Oliver Second Addition - south of 45th Street North, west of Oliver. (472-83466/765755 /490866) Does not affect existing traffic. (District I)

Ritchie Paving - \$185,718.45

2003 sanitary sewer reconstruction Phase 2 - south of Pawnee, east of Oliver. (468-83587/620366/663487) Does not affect existing traffic. (District III)

WB Carter Construction - \$61,000.00

Martz moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Electrical Test Inspect Breaker Transfer. (184127)

Electro Test Inc. - \$ 15,089.00 (Group 1/total net bid)

WATER & SEWER DEPARTMENT/CUSTOMER SERVICE DIVISION: Cold Water Meters, Components & ERT's. (183103)

Amco Water Metering Systems Inc. - \$98,475.00 (Group 1/total net bid)

Badger Meter Inc. - \$ 14,706.00 (Group 2/total net bid)

\$ 55,820.50 (Group 3/total net bid)

\$440,725.00 (Group 4/total net bid)

\$ 36,755.00 (Group 5/total net bid)

FINANCE DEPARTMENT/GOLF DIVISION: Fertilizer, Insecticides, and Herbicides. (210200)

Estes Inc. - \$6,669.00 (Group 1)

Van Diest Supply Co. - \$1,068.68 (Group 2)

Estes Inc. - \$2,480.00 (Group 3)

\$ 808.00 (Group 4)

\$2,061.44 (Group 5)

\$1,920.00 (Group 6)

BWI Springfield - \$331.70 (Group 7)

Pueblo Chemical & Supply - \$2,100.00 (Group 8)

Van Diest Supply - \$560.76 (Group 9)

Pueblo Chemical & Supply - \$1,267.50 (Group 10)

Van Diest - \$1,191.51 (Group 11)

Estes Inc. - \$2,750.00 (Group 12)

Pueblo Chemical & Supply - \$29,606.00 (Group 13)

\$ 4,025.00 (Group 14)

Outdoor Equipment - \$3,040.00 (Group 15)

Garden Wise - \$1,237.50 (Group 16)

Pueblo Chemical & Supply - \$125.00 (Group 17)

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Outdoor Equipment - \$128.76 (Group 18)
Pueblo Chemical & Supply - \$1,200.00 (Group 19)
Outdoor Equipment - \$192.00 (Group 20)
BMI Springfield - \$72.30 (Group 21)
Pueblo Chemical & Supply - \$12,936.00 (Group 22)
Garden Wise - \$2,233.60 (Group 23)
Pueblo Chemical & Supply - \$947.20 (Group 24)
\$732.00 (Group 25)
Van Diest Supply Co. - \$1,675.20 (Group 26)
\$3,490.00 (Group 27)
Pueblo Chemical & Supply - \$1,980.00 (Group 28)
\$ 154.00 (Group 29)
\$1,180.00 (Group 30)
\$1,544.00 (Group 31)
Estes Inc. - \$456.00 (Group 32)
BMW Springfield - \$5,408.00 (Group 33)
\$1,888.80 (Group 34)
The Greenkeeper Co.* - \$5,631.25 (Group 35) *Low bid by draw
Van Diest Supply Co. - \$1,179.88 (Group 36)
Estes Inc. - \$6,120.00 (Group 37)
Pueblo Chemical & Supply - \$993.75 (Group 38)
Estes Inc. - \$500.00 (Group 39)
Outdoor Equipment - \$215.00 (Group 40)
Lesco Inc. - \$20,115.00* (Group 41) *Low bid by draw
Pueblo Chemical & Supply - \$367.50 (Group 42)

FINANCE DEPARTMENT/IT DIVISION: Fujitsu Scanners. (602126)
Telestar Corporation - \$28,234.00 (Total net bid/Group 1)

POLICE DEPARTMENT/SPECIAL OPERATIONS DIVISION: AndrosHazardous Duty Robot System. (602140)

Remotec Inc. - \$167,041.00 (Group 1/Total net bid)
\$ 1,350.00 (Group 1/base bid/Option 2)
\$ 3,518.00 (Group 1/base bid/option 4)

PARK DEPARTMENT/RECREATION DIVISION: Swimming Pool Improvements. (785038)

Hillmann Painting Inc. - \$21,100.00 (Group 1/Total net bid)
\$18,600.00 (Group 1/option 1)
\$17,900.00 (Group 1/option 2)

Greer's Sandblasting & Protective Coating - \$36,202.00 (Group 2/Total net bid/option 1)
\$18,096.00 (Group 2/option 1)

WATER DEPARTMENT/CUSTOMER SERVICE DIVISION: Blue Water Bills. (183103)

Valley Offset Printing Inc. - \$18,260.00 (Total net bid)

Martz moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

LICENSES

APPLICATION FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

Renewal Escort Service

Tekoa Callaway

Private Escapes

333 East English #150

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Sonia Barnes Class Act Productions 209 South Washington

New Escort Service

Emma Jean Kinglsey Absolute 1127 East Douglas

Video Arcade

Valerie Washington Xcitement Video 1306 East Kellogg #101
Valerie Washington Xcitement Video 1515 South Oliver

Motion -- Martz moved that the licenses be approved subject to Staff review and approval. Motion carried
-- carried 5 to 0. (Fearey, Knight; absent)

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

Renewal 2003 (Consumption on Premises)

Jose A. Garcia Garcia's Tacos* 2138 North Market

Renewal 2003 (Consumption off Premises)

Mark Boswell Midway Oil #11 895 South Woodlawn
David Bullington Walmart #3492 11411 East Kellogg Drive

Special Event Date

Newman University Renaissance Faire April 26 and 27, 2003

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- Martz moved that the licenses be approved subject to Staff review and approval. Motion carried
-- carried 5 to 0. (Fearey, Knight; absent)

PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no subdivision plans and specifications submitted.

PRELIMINARY EST. PRELIMINARY ESTIMATES:

- a) Water Distribution System to serve Southern Ridge Addition – south of Pawnee, west of Maize. 448-89765/735111/470781) Does not affect existing traffic. (District V) - \$238,000.00
- b) Chautauqua, from 29th to 27th Street North to serve Bruce Jones Addition and Agee Hunter Addition - south of 29th Street, west of Hillside. (472-83601/765741/490852) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$67,000.00
- c) Seneca, from University to Third Street-Phase II Landscaping - north of Kellogg, west of McLean. (472-82966/706747/208228) Does not affect existing traffic. (District IV) - \$188,855.00
- d) White Tail/Tipperary from the southerly line of Lot 21, Block 1 to the east line of Lot 1, Block 3; White Tail from the south line of Tipperary to the south line of Lot 46, Block 1; Tipperary Circle from the east line of White Tail to and including the cul-de-sac; and White Tail Court serving Lots 26-31, Block 1. A 5 foot sidewalk to be installed on the north and west line of Tipperary/White Tail to serve Balthrop 4th Addition - north of Central, west of K-96. (472-83469/765759/490870) Does not affect existing traffic. (District II) - \$275,000.00

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- e) Traffic signal at the intersection of Webb and Wilson Estates Parkway to serve Wilson Estates Medical Park - south of 21st Street South, west of Webb. (472-83677/765767/490878) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$150,000.00
- f) Lateral 40, District T, Sanitary Sewer #12 to serve Power CDC Second Addition - north of 25th Street North, west of Grove. (468-83572/743970/480658) Does not affect existing traffic. (District I) - \$108,000.00
- g) Water distribution system to serve Power CDC Second Addition - north of 25th Street North, west of Grove. (448-89762/735107/470777) Does not affect existing traffic. (District I) - \$47,000.00
- h) Water distribution system to serve The Waterfront Addition - north of 13th Street North, east of Webb. (448-89768/735110/470780) Does not affect existing traffic. (District II) - \$315,000.00
- i) Lateral 3, Main 13, Sanitary Sewer 23 to serve Wichita Heights High School - south of 53rd Street North, west of Hillside. (468-83535/ 743964/480964) Does not affect existing traffic. (District I) - \$215,000.00
- j) Intersection improvements at 13th Street North and Hydraulic - east of I-135 at 13th Street North. (87 N-0211-01/472-83167/706849/202315) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$650,000.00
- k) Water distribution system - Phase 2 to serve Eagles Landing at North Oliver Second Addition - south of 45th Street North, west of Oliver. (448-89650/735113/470783) Does not affect existing traffic. (District I) - \$96,000.00
- l) Storm Water Drain #190 to serve Hawthorne Addition - south of 21st Street North, east of 127th Street East. (468-83516/751321/485212) Does not affect existing traffic. (District II) - \$577,000.00
- m) An extension of a left turn lane to serve the northbound left turn movements at Webb Road and Wilson Estates Parkway and a contingent northbound left turn lane on Webb Road to serve the proposed southern driveway. Provide a third lane on Wilson Estates Parkway between the first entrance and Webb Road, said lane being designed for dual eastbound lanes onto Webb at the intersection and transitioning to dual westbound lanes (one left turn only, on through) at the first entrance to the medical park. Prohibit left turns onto Wilson Estates Parkway from the eastern entrance by use of a directional raised median in the private drive entrance. Crosswalks across Wilson Estates Parkway at the first two entrances west of Webb Road on the north side to serve Wilson Estates Medical Park - south of 21st, west of Webb. (472-83676/765766/490877) Does not affect existing traffic. (District II) - \$350,000.00

Motion --
-- carried

Martz moved that the Preliminary Estimates be received and filed. Motion carried 5 to 0. (Fearey, Knight; absent)

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

- a) Sanitary Sewer Easement dated December 30, 2002 from John D. Greenstreet, Managing Member of JDG, LLC for a tract of land located in Equestrian Estates Addition to Wichita, Sedgwick County, Kansas (Lat. 343, FMC, OCA #743977). No cost to City.
- b) Utility Easement dated February 21, 2003 from Marvin Schellenberg for a tract of land located in Lot 1, Block 1, Hoskinson 2nd Addition, Sedgwick County, Kansas (Basin 4, OCA #624054). No cost to City.

Motion --
-- carried

Martz moved that the documents be received and filed; and the necessary signatures be authorized Motion carried 5 to 0. (Fearey, Knight; absent)

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SANITARY SEWER

PETITION FOR SANITARY SEWER TO SERVE PART OF JONES PARK ADDITION – NORTH OF 33RD STREET NORTH, WEST OF FAIRVIEW. (District VI)

Agenda Report No. 03-0269

The Petition has been signed by three owners, representing 100% of the improvement district.

Analysis: The project will extend sanitary sewer service to three single-family homes served by septic tank systems, one of which has completely failed.

The Petition totals \$23,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --
--carried

Martz moved that the petition be approved and the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent)

RESOLUTION NO. 03-121

Resolution of findings of advisability and resolution authorizing construction of Lateral 142, Main 4, Sanitary Sewer #23 (north of 33rd Street North, west of Fairview) 468-83603, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

REED COMMERCIAL PAVE STREETS TO SERVE REED COMMERCIAL ADDITION – SOUTH OF 21ST, EAST OF 127TH. (District II)

Agenda Report No. 03-0270

The Petitions have been signed by two owners, representing 100% of the improvement districts.

The projects will provide street paving for a new commercial development located south of 21st, east of 127th Street East.

The Petition totals \$199,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --
--carried

Martz moved that the petition be approved and the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent)

RESOLUTION NO. 03-122

Resolution of findings of advisability and resolution authorizing, improving a right turn lane on the south side of 21st Street North from 127th Street East to the east line of Reed Commercial Addition; and a westbound left turn lane on 21st Street North to provide left turns into the major entrance to the Reed Commercial Addition (south of 21st Street East of 127th Street East) 472-83697, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

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RESOLUTION NO. 03-123

Resolution of findings of advisability and resolution authorizing improving a southbound left turn lane on 127th Street East to provide left turns into the major entrance to Reed Commercial Addition (south of 21st Street East of 127th Street East) 472-83698, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

BALTHROP

PAVE PART OF WHITE TAIL STREET IN BALTHROP FOURTH ADDITION – NORTH OF CENTRAL, WEST OF K-96. (District II)

Agenda Report No. 03-0271

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide street paving for a new residential development located north of Central, west of K-96.

The Petition totals \$15,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --
--carried

Martz moved that the petition be approved and the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent)

RESOLUTION NO. 03-124

Resolution of findings of advisability and resolution authorizing improving White Tail from the south line of Lot 46, Block 1, to a point 50 feet north (north off Central, west of K-96), 472-83727, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

BRENTWOOD SOUTH STREET PAVING, SANITARY SEWER, AND WATER DISTRIBUTION SYSTEM TO SERVE BRENTWOOD SOUTH ADDITION – EAST OF WEBB, NORTH OF PAWNEE. (District II)

Agenda Report No. 03-0272

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving, sanitary sewer, and water service to a new residential development located east of Webb, north of Pawnee.

The Petitions total \$521,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --
--carried

Martz moved that the petition be approved and the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent)

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RESOLUTION NO. 03-125

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89636, east of Webb, north of Pawnee) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

RESOLUTION NO. 03-126

Resolution of findings of advisability and resolution authorizing construction of Lateral 320 Four Mile Creek Sewer (east of Webb, north of Pawnee) 468-83354, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

RESOLUTION NO. 03-127

Resolution of findings of advisability and resolution authorizing improving Kinkaid, from the north line of Lot 21, Block 7 to the west line of Brentwood South Addition, Stoneybrook, from the south line of Kinkaid to the south line of Lot 13, Block; Kinkaid Ct., from the east line of Kinkaid to and including cul-de-sac (Lots 43-48, Block 3); Stoneybrook Ct., from the east line of Stoneybrook to and including cul-de-sac (Lots 31-36, block 3) and Stoneybrook Ct, from the south line of Stoneybrook to and including cul-de-sac (Lots 15-20, Block 7) (east of Webb, north of Pawnee) 472-83445, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

SANITARY SEWER

SANITARY SEWER TO SERVE PART OF MEDITERRANEAN OFFICE PARK ADDITION – EAST OF ROCK, NORTH OF 29TH STREET NORTH. (District II)

Agenda Report No. 03-0273

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will extend sanitary sewer service to an office building located east of Rock, north of 29th Street North.

The Petition totals \$12,500. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --
--carried

Martz moved that the petition be approved and the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent)

RESOLUTION NO. 03-128

Resolution of findings of advisability and resolution authorizing improving of Lateral 82, Main 22, War Industries Sewer (east of Rock, north of 29th Street North) 468-83602, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

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BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Wichita Alternative Correctional Housing Advisory Board, January 23, 2003
Wichita Airport Advisory Board, February 3, 2003
District V Advisory Board, February 3, 2003
Board of Code Standards and Appeals, February 3, 2003
Office of Central Inspection, February 3, 2003
Board of Electrical Appeals, February 11, 2003
Wichita Public Library Board, February 18, 2003
Design Council, February 20, 2003

Motion --carried

Martz moved that the Minutes be received and filed. Motion carried 5 to 0. (Fearey, Knight; absent)

STREET CLOSURES

STREET CLOSURES ASSOCIATED WITH CENTRAL RAIL PROJECT. (District VI)

Agenda Report No. 03-0274

In December 1995, the City of Wichita (and Sedgwick County) became aware of the Union Pacific (UP) Railroad's intention to increase train movements through Wichita. The UP's proposed merger with the South Pacific Railroad gave the UP the incentive to utilize its rail lines through Wichita as a north-south mainline between Texas and Wyoming (coal), as well as for grain shipments from Nebraska and other states to ports on the Gulf of Mexico. To implement the merger and the new routings, the UP had to receive approval of the Surface Transportation Board (STB).

Protests from Mayor and City Council against the proposed impact of increased train movements through the city were recognized by the STB as being legitimate and of concern. On August 12, 1996 the Federal Surface Transportation Board (STB) approved the merger of the Union Pacific and the Southern Pacific (SP) Railroads. As a result of that merger the UP proposed to increase the number of through trains per day from 4.5 to 10. In September 1996, the Board directed a comprehensive evaluation of Wichita's problem and possible mitigating actions the STB could require as a prerequisite to approval of the UP/SP merger.

In November 1997, meetings with UP officials began with the goal of negotiating a reasonable settlement that would eliminate the need for the STB to impose its minimal mitigation plan. Because of the impact of both major railroads causing traffic delays, safety concerns, delays to emergency vehicles, air pollution, and other environmental effects, the City of Wichita and Sedgwick County commissioned a study to develop and evaluate solutions to this problem. The study investigated the feasibility of constructing bypass routes around the Wichita metropolitan area, as well as potential improvements to the Central Rail Corridor such as grade separations and rail consolidation with the Burlington Northern Santa Fe (BNSF) railroad lines that also go through central Wichita. The recommendation of this study was that an elevated corridor should be constructed from Douglas Avenue, on the south end, to 17th Street North on the north end. Grade-separation will be provided at the following arterial streets: Douglas Avenue, 1st Street, 2nd Street, Central Avenue, Murdock Avenue, and 13th Street. Both the BNSF and the UPRR will use this facility for through trains.

The elevated rail corridor project requires the closure of the following streets, where they intersect the BNSF rail line, just east of Santa Fe Street: 9th Street, 10th Street, 11th Street, 15th Street, and 18th Street. With the exception of the 18th Street closure, plans have been prepared, and are ready to let to construction for the above-mentioned closures. Because of railroad coordination issues, the closure of 18th Street will occur later, with the main elevated rail project.

The Central Rail Corridor, including the street closures, was presented to the District VI Advisory Board on June 3, 2002. That Board endorsed the project. Although the project is not within the boundaries of District I, because of its proximity to District I, it was also presented to the District I Advisory Board as an informational item.

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The Central Rail Corridor will be funded from the following sources: State System Enhancement Funds (\$44.7 million), Federal TEA-21 Funds (\$24.3 million) and Local Sales Tax Funds (\$30 million).

Motion --

-- carried

Martz moved that the street closures of 9th Street, 10th Street, 11th Street, and 15th Street where they intersect with the BNSF railroad, be approved; and Staff be directed to advertise the Street Closure Project for bids. Motion carried 5 to 0. (Fearey, Knight; absent)

STREET CLOSURE: 37TH STREET NORTH, WEST OF HYDRAULIC. (District VI)

Agenda Report No. 03-0275

The improvement of I-135 between 21st Street and I-235 has restarted and will soon begin to affect traffic in that area. The main contractor, Wittwer, Inc. is requesting the approval of a closure of a section of 37th Street North to truck traffic. The existing I-135 bridges over 37th Street will be widened during the next phases of construction. These bridges presently have a clearance near 15 feet over 37th Street but the falsework installation needed to accomplish the widening will lower the clearance to approximately 12 feet. The contractor will maintain both east and westbound traffic on 37th Street less than 11 feet in height but will be detouring trucks and other vehicles over 11 feet high.

The work related to the widening of these bridges is expected to begin approximately March 24, 2003 through approximately July 31, 2003. During the restricted closure vehicles over 11 feet high will be detoured using Hydraulic, 29th Street North and Ohio Streets. The contractor is responsible for all construction and detour signing and notification of affected businesses.

Motion --

-- carried

Martz moved that the restricted street closures be approved. Motion carried 5 to 0. (Fearey, Knight; absent).

CLAIMS ALLOWED

REPORT ON CLAIMS ALLOWED FEBRUARY, 2003:

<u>Name of Claimant</u>	<u>Amount</u>
Flax, Robert & Debbie	\$154.14
Jones, Leon M.	\$120.00
Schneider, Bob	\$261.46
Sherrill, Brenda	\$2,000.00 **
Smith, Mark A.	\$202.38
Strunk, Peter J.	\$650.54
Thompson, Kim	\$250.00
Thorpe, Becky	\$122.46

** Settled for lesser amount than claimed.

Motion --

-- carried

Martz moved that the report be received and filed. Motion carried 5 to 0. Council Member Fearey, absent.

PARKING

PARKING MANAGEMENT CONTRACT EXTENSION.

Agenda Report No. 03-0276

On October 1, 1996, the City of Wichita and AMPCO System Parking (AMPCO) entered into a contract for management of the City Hall Parking complex, the State Office Building Parking Garage and various City-owned surface lots. All allowable extensions have been exercised on the contract. Under the contract, AMPCO manages 12 surface lots and two garages totaling approximately 2,300 spaces.

A request for proposal for parking management has been prepared and distributed to parking management companies nationwide. Proposals have been received and are being reviewed. An

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extension until July 31, 2003 is requested to allow time to evaluate the proposals and negotiate a new contract.

The monthly fee will not change from the current contract amount. Current operating budgets have sufficient funds budgeted for the management costs.

Motion --

-- carried

Martz moved that the Contract Extension be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

BROOKS LANDFILL BROOKS LANDFILL CONSULTANT AGREEMENT AMENDMENT. (District VI)

Agenda Report No. 03-0277

On March 1, 2002, the City entered into an agreement for professional consulting services with Camp Dresser & McKee Inc. (CDM) for services in support of the groundwater remediation systems at the Brooks Landfill. Recent routine testing of the groundwater has indicated that the plume of contamination has shifted to the east of its original location.

The shift in the plume of contaminants will require further investigation of the plume in order to determine its present location and how to address its remediation. CDM has prepared an agreement amendment that will provide for development of a work plan, field investigation of the plume location, an analysis and report on the use of monitored natural attenuation to address the contamination and a review of the monitoring well network to determine which wells should be tested to properly monitor the ground water remediation. The Kansas Department of Health and Environment (KDHE) will have to approve the method of addressing the shift in the plume and any changes in the network of monitoring wells.

The original agreement "not-to-exceed" amount was \$52,500. The cost of the additional consulting services will be determined by the actual time spent and the schedule of hourly billing rates that are included in Exhibit C of the amendment and will not exceed \$48,100. In addition, the City will utilize an existing agreement with Continental Analytical Services for testing of the ground water samples collected by CDM at an estimated cost of \$11,600. The total estimated cost of the amendment is therefore \$59,700. Once this work is completed the cost of addressing the plume will be known. CDM will investigate the possibility of utilizing monitored natural attenuation to address the plume. This approach, if approved, will minimize the additional cost of addressing the plume. If a new treatment well is required an estimate of the cost will be provided as a part of this consulting work. The operating costs for the existing down gradient well and air stripping system may be able to at least be temporarily eliminated under the proposed approach. The estimated savings from not running this system is \$25,000 per year.

Sufficient funds are available in the Landfill Post-Closure Fund to cover this amendment.

Motion --

-- carried

Martz moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

GILBERT MOSLEY GILBERT AND MOSLEY AMENDMENT.

Agenda Report No. 03-0278

An agreement between the City of Wichita and the Coleman Company, Inc. ("Coleman"), provides for an arbitration procedure to determine the amount of the costs of the investigation and remediation of the Gilbert & Mosley project to be allocated to Coleman. A Dispute Resolution Agreement was approved on November 20, 2001. Under this Agreement the City and Coleman jointly retained the services of Alberto A. Gutierrez of Geolex, Inc. to hear and determine any unresolved disputes between the City and Coleman. That arbitration process has been ongoing and additional work has been identified that should bring the process to completion.

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Under this Amendment to Dispute Resolution Agreement, the City and Coleman will continue to jointly retain the services of Alberto A. Gutierrez through Geolex, Inc. The Agreement is amended to provide an additional sum to complete the remaining proceedings. The City is responsible for 50% of the arbitration costs.

The City's portion of the additional fees and expenses under this Amendment are not-to-exceed \$39,000. The City's portion will be paid out of budgeted Gilbert & Mosley TIF funds.

Motion --
-- carried

Martz moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

CASE BLDG

HOME FUNDING AMENDMENT – CASE BUILDING. (District VI)

Agenda Report No. 03-0279

On November 6, 2001, the City Council approved \$300,000 in HOME funding for partial financing of the renovation of the former Case Supply Building, which is located at 355 N. Rock Island, in Old Town. The redevelopment project will result in the creation of 48 units of housing, of which 24 units will be designated to be affordable units. The Developer is Garrison Companies of Prairie Village, Kansas. HOME funding is being provided in the form of a 30-year loan, with payments to be made annually from residual receipts. Any unpaid amounts will be due on the maturity date. Construction is expected to begin by no later than May 2003.

The Developer has requested that the City modify the funding agreement in order to provide for 4 HOME-assisted units, rather than 5 HOME-assisted units, as originally approved. In addition, Housing Services is requesting a change in the agreement in order to provide flexibility with respect to the payment of lead paint abatement expenses, in addition to general construction draw payments. The proposed contract amendment will also include a modification of the construction completion deadline, in order to ensure consistency with the current schedule.

No additional funding is being provided. The reduction in the number of HOME-assisted units will enable the developer to increase cash flow from the project, thereby enhancing the opportunity for early repayment of the HOME loan.

The contract amendment will be approved as to form by the City Law Department. The proposed changes to the funding agreement are compliant with HOME program regulations.

Motion --
-- carried

Martz moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

HARSHIP LIEN

RELEASE OF HARDSHIP DEFERRAL LIEN.

Agenda Report No. 03-0280

During the past year, the property owner of 1000 W. 59th Street South, applied for Special Assessment Hardship Deferral to defer payments of special assessment on Water project No. 448-89417. The property owner signed a Lien Agreement with the City of Wichita that was filed with Sedgwick County Register of Deeds.

The property owner has paid the special assessment-in-full.

There is no cost to the City of Wichita.

Motion --
-- carried

Martz moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

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DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES - LIBERTY PARK, COOPER GATES ESTATES, COOPER GATE, AND HERITAGE BAPTIST CHURCH ADDITIONS – SOUTH OF 13TH, WEST OF 135TH STREET WEST. (District V)

Agenda Report No. 03-0281

The City Council approved the project on December 10, 2002.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Liberty Park, Cooper Gates Estates, Cooper Gate and Heritage Baptist Church Additions. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$128,900, and will be paid by special assessments.

Motion --

-- carried

Martz moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES - WILSON ESTATES MEDICAL PARK – SOUTH OF 21ST, WEST OF WEBB. (District II)

Agenda Report No. 03-0282

The City Council approved the project on December 17, 2002.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements in Wilson Estates Medical Park. Per Administrative Regulation 7a, staff recommends the selection of PEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$57,600, and will be paid by special assessments.

Motion --

-- carried

Martz moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES - SIERRA HILLS AND EQUESTRIAN ESTATES ADDITIONS – EAST OF 127TH STREET EAST, NORTH OF PAWNEE. (District II)

Agenda Report No. 03-0283

The City Council approved the project on February 11, 2003.

The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of bond financed improvements in Sierra Hills and Equestrian Estates Additions. Per Administrative Regulation 7a, staff recommends the selection of R&B as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$47,690, and will be paid by special assessments.

Motion --

-- carried

Martz moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

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DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES - EVERGREEN ADDITION – NORTH OF 21ST STREET, WEST OF MAIZE ROAD. (District V)

Agenda Report No. 03-0284

The City Council approved the project on August 8, 2000.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements in Evergreen Addition. Per Administrative Regulation 7a, staff recommends the selection of PEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$57,500, and will be paid by special assessments.

Motion -- Martz moved that the Agreement be approved and the necessary signatures be authorized. Motion
-- carried carried 5 to 0. (Fearey, Knight; absent)

HYDRAULIC IMP. HYDRAULIC IMPROVEMENT, FROM 57TH STREET SOUTH TO MACARTHUR. (District III)

Agenda Report No. 03-0285

On March 5, 2002, the City Council approved a drainage project associated with improving Hydraulic between 57th Street South and MacArthur. During installation of the drainage system, it was determined that an existing sanitary sewer manhole should be encased in concrete to prevent sewer overflow. The manhole is on a very large sewer line that connects the City's two southside treatment plants.

A Change Order has been prepared that authorizes additional work. Funding is available within the Hydraulic paving project budget.

The total cost of the additional work is \$31,315. The funding source is General Obligation Bonds.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion -- Martz moved that the Change Order be approved and the necessary signatures be authorized. Motion
-- carried carried 5 to 0. (Fearey, Knight; absent)

SANITARY SEWER SANITARY SEWER MAIN NORTH OF 45TH STREET NORTH, EAST OF HYDRAULIC. (District I)

Agenda Report No. 03-0286

On November 19, 2002, the City Council approved a contract to construct a sanitary sewer main for an area north of 45th Street North, east of Hydraulic. It will serve Heights High School, Kechi, and a large developing area south of Heights High School. A portion of the work involves installing the sewer line under 45th Street North and K-254 Highway without closing the roadway. As the pipe was being bored and jacked under 45th Street North, the soil began to collapse. That part of the work was completed, but it resulted in the temporary closure of 45th Street North. In order to ensure that the same problem is not encountered at K-254 Highway, it will be necessary to use a micro-tunneling process and steel encasement of the sewer line.

A Change Order has been prepared that authorizes additional work. Funding is available within the project budget.

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The total cost of the additional work is \$160,000. The funding source is a combination of Special Assessments and the Sewer Utility Fund.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council.

Motion --
-- carried

Martz moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

COWSKIN CREEK

COWSKIN CREEK WATER RECLAMATION FACILITY.

Agenda Report No. 03-0287

On January 19, 1999, the City Council approved construction of a new northwest sewage treatment plant in northwest Wichita. November 2001, Dondlinger & Sons Construction Co., Inc., was awarded a Contract in the amount of \$12,617,595 to construct the Cowskin Creek Water Reclamation Facility. This Change Order is a combination of twenty-two (22) proposed contract modifications (PCMs) from the beginning of the project to present.

All of the PCMs included in this Change Order reflect either a reduction in cost or added value to the City. The modifications include security measures recommended by the City's security consultant.

The modifications result in a net change of \$99,207 representing a .79% increase to the original Contract. Deductive contract modifications amount to \$106,329. One additional deductive Change Order is anticipated. The recommended security measures will cost \$40,586 and will be funded from the security budget.

There are no anticipated increases to the Contract at this time. Funding is available in CIP S-512 (Northwest Sewage Treatment Plant and Basins) and S-542 (Sewer System Security Improvements).

Motion --
-- carried

Martz moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

GIS

GEOGRAPHIC INFORMATION SYSTEMS SOFTWARE.

Agenda Report No. 03-0288

In 1999 the City of Wichita approved the GIS Master Plan to provide a focus for the GIS application, and identified the "Top 25" GIS goals. The same year the City implemented MapWise software to provide user-friendly map viewing for GIS users. The MapWise application allowed many more City departments to use GIS for daily decision-making, improving customer service and operational efficiency. Users have access to up-to-date GIS layers, allowing them to respond to requests quickly, and with current information. Previously, information was only accessible by out-of-date paper maps. This accessibility provides staff an efficient manner to carry out their duties, while providing accurate information to City staff and the public.

Although MapWise is a great viewing tool, it is limited in functionality. As departments have increased their usage of MapWise, they have discovered more customer service and service delivery efficiencies that can be gained. Current GIS users require more functionality and advanced tools, but without losing the user-friendly appeal of MapWise. Finally, GIS users in different departments have different needs, requiring different toolsets.

Research was conducted to locate software that was both cost effective and able to meet the needs of all GIS users. GeoSmart.Net is a new software technology that provides more advanced GIS analysis tools and can be customized by departments to provide different toolsets, meeting each department's individual needs. The software is browser-based, providing one tool for the Web and the Intranet, eliminating the need for multiple software licenses and installations on individual computers. This user-friendly software also has a robust developer's toolset, allowing for quick development and

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deployment while building customized applications by department. GeoSmart.Net software was discussed and approved by the IT/IS Advisory Board on October 4, 2002.

GeoSmart.Net costs \$31,000. The cost includes all software packages and licensing, installation, configuration, on-site training, and one year of support. The purchase is proposed to be made according to Purchasing Ordinance 38-122(g), relating to high technology items. If approved, the purchase will be integrated into the 2003 Revised Information Technology budget, with cost savings identified as an offset.

The Law Department will review and approve the contract as to form.

Motion --carried

Martz moved that the purchase be approved. Motion carried 5 to 0. (Fearey, Knight; absent)

CMF

CENTRAL MAINTENANCE FACILITY RECONFIGURATION.

Agenda Report No. 03-0289

In 2002 Fire Fleet Maintenance (FFM) was consolidated into the Public Works Fleet Maintenance Division, one of several major operational changes recommended in the April 2001 Fleet Management Review performed by a consultant.

FFM is currently located in old Fire Station #2 at 500 S. Topeka. This facility is inadequate for maintaining today's fire apparatus. The building was built around 1930 and was only sized to house one station's complement of fire equipment. Therefore, floor space is not available for the numbers of apparatus that need to be serviced. In addition, the size of fire fighting apparatus has increased over time, so many trucks currently in use cannot be worked on inside the building because the ceiling is too low for their cabs to tilt up. This often forces the mechanics to work outdoors, regardless of the weather. Although it would be safer and more efficient for mechanics to use lifts to work on the apparatus whenever possible, the low ceiling does not allow lifts to be installed. Also, exiting the station into traffic is a problem because the short driveway forces today's longer trucks to pull far out into Topeka before they can be turned when leaving the station.

Appropriate space is currently available at the Central Maintenance Facility (CMF) for relocation of FFM. Improvements made last year in the Central Stores operation (included in the 2002 Revised budget) have saved the City money and have emptied a portion of the former warehouse area, which is now available for FFM. Planned improvements to convert the former warehouse area to FFM include installation of floor drains, overhead lines for electrical, fluids, and pressurized air, lighting upgrades, electrical and mechanical (HVAC) improvements, concrete work to allow more efficient vehicular access to areas, and a tail-pipe exhaust system. Vehicular lifts would be installed later, contingent on budget savings.

Funds are included in the 2002 and 2003 Fleet internal service fund budgets to reconfigure the CMF to allow the inclusion of FFM. The new location will allow trucks to be worked on indoors and stored on-site when necessary. Ceiling heights are sufficient for truck lifts to be installed and used when making repairs, and with the new location being adjacent to Central Stores, inventory management will be significantly streamlined. Also, moving FFM to the CMF will consolidate all current Fleet Division functions into one physical location.

The 2002 budget included \$200,000 and the 2003 budget includes \$300,000 for the building modifications necessary to move FFM. No project funds were expended in 2002 and 2003 funds are budgeted in the contingency line item. In order to build the previously approved project, a budget transfer is required. If approved, the budget changes will be incorporated into the 2003 Revised budget.

Budget transfers over \$10,000 require City Council approval.

Motion --
--carried

Martz moved that the project and budget transfers be approved. Motion carried 5 to 0. Council (Fearey, Knight; absent)

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HOME FUNDING

MENNONITE HOUSING HOME FUNDING ALLOCATION. (District I)

Agenda Report No. 03-0290

During the 2002-2003 Consolidated Plan funding process, the City Council approved an allocation of \$268,000 from the City's annual HOME grant for redevelopment projects to be undertaken in the Neighborhood Revitalization Strategy Area.

Mennonite Housing Rehabilitation Services has applied for \$175,000 in HOME funding in order to re-develop the 1900 block of North Ash. Eight lots have become available for acquisition within the block. An abandoned, boarded-up church building is located on one of the sites. The remaining lots are vacant.

Upon completion of the necessary lot splits, the eight sites will accommodate 7 newly constructed single-family homes. These homes will be made available for sale to income-qualified, owner-occupant home buying families, who will receive down payment and closing cost assistance through the City's HOMEownership 80 Program.

The project has been reviewed and recommended for approval by the Housing Advisory Board.

The total project cost is estimated to be \$668,000, which includes property acquisition, demolition, construction, and site improvement expenses. HOME funds will be leveraged with construction loans provided by local financial institutions. Funding for the project is available from the 2002-2003 HOME funds allocation for Neighborhood Revitalization Strategy Area Redevelopment/Housing Initiatives. The funding will be provided in the form of zero-interest forgivable development subsidy loans for each home. Proceeds available from the sale of the single-family homes, following repayment of construction loans and developer fees will be repaid to the HOME program.

The proposed project is located within the Neighborhood Revitalization Strategy Area. Funding agreements will be approved as to form by the City Law Department, and will comply with HOME program regulations.

Motion --
-- carried

Martz moved that the funding and Contract negotiations be approved; and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

PLANEVIEW

ICF CONSULTANT AGREEMENT – PLANEVIEW. (District III)

Agenda Report No. 03-0291

On December 11, 2001, the City Council approved a consulting agreement with ICF, a national consulting company that provides affordable housing development and redevelopment assistance. The Department of Housing and Urban Development (HUD) contracts with ICF to provide technical assistance to entitlement cities.

The consulting agreement set forth the terms for preparation of a redevelopment study for the Planeview area, which was to build on prior studies. The total cost of the study was estimated to be \$66,928, of which \$53,446 was to have been paid by HUD and the balance of \$13,482 to be paid by the City. The Council authorized the City's portion of the expense to be paid from the General Fund Core Area Market Study Grant Program, which was established in Fiscal Year 2001 as part of the Redevelopment Incentives Program.

ICF completed its work and issued a final invoice in the amount of \$12,222.90 for the City's portion of the total expense, which was received late in December 2002. The billing could not be processed prior to the end of the year, and the funding was not encumbered and carried over at the time of the Council's original approval. Thus, it is necessary to re-authorize the prior approval of funding/appropriation to pay the contractual commitment to ICF for the work completed several months ago.

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The City's portion of the expense will be paid from the General Fund Core Area Market Study Program (\$25,000), as originally authorized.

Motion -- Martz moved that funding for this expense be re-appropriated and be paid from the Core Area Market Study Program; and the budget adjustments be authorized. Motion carried 5 to 0. (Fearey, Knight; absent).

-- carried

BUDGET

BUDGET ADJUSTMENT FOR WATER AND SEWER UTILITIES.

Agenda Report No. 03-0292

Final expenditures and audit adjustments have been posted to the 2002 budgets. Budget adjustments are needed to accomplish fiscal year-end closing.

Year-end adjustments within the Water Utility and Sewer Utility budgets are needed for accounting purposes. These adjustments do not alter the total authorized expenditures within the Water and Sewer funds. Approval is requested to move up to \$258,000 between categories within the Water Utility budget to accommodate the year-end adjustment for bad debt allowance. Approval is also requested to move up to \$46,000 from contractals to commodities within the Sewer Utility Fund to accommodate the reclassification of non-capitalized expenses.

The funds for the budget adjustments are available within the 2002 Water and Sewer Utility budgets.

Budget adjustments exceeding \$10,000 require City Council approval.

Motion -- carried Martz moved that the budget adjustment be approved. Motion carried 5 to 0. (Fearey, Knight; absent)

BASIC FOUR IMP.

BASIN FOUR IMPROVEMENTS. (District V)

Agenda Report No. 03-0293

On September 28, 1999, the City Council approved the expansion of the sewer system in northwest Wichita to facilitate rapid development occurring in that area. On October 12, 1999, the Council approved a contract for \$50,000 with George Butler and Associates to design the improvements. On May 2, 2000, the Council approved expenditures of \$800,000 in the approved CIP budget for 2000. That amount was later revised to \$500,000, to reflect actual bids.

Public Works is now ready to bid construction of the remaining improvements. The estimated project cost is \$5,000,000, with \$3,750,000 to be paid by the Sewer Utility and \$1,250,000 by Special Assessments.

The approved CIP budget includes \$1.45 million in 2002, \$1.35 million in 2003, \$350,000 in 2004 and \$250,000 in 2005 (\$3.4 million), in addition to the \$550,000 already allocated, resulting in a total budget of \$3.95 million. There have already been expenses, including design, of about \$300,000 in the project.

If the additional \$100,000 is needed, the funds can be transferred from S-5, Mains for Future Development, with Council approval at that time. However, staff prefers not to request transfer of funds until certain that it is necessary.

Motion -- Martz moved that the expenditures be authorized and the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent)

-- carried

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RESOLUTION NO. 03-129

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$3,950,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. Ayes: Brewer, Gale, Lambke, Martz, Pisciotte. (Fearey, Knight absent)

KDHE GRANT

GRANT APPLICATION – KDHE CLEAN NEIGHBORS.

Agenda Report No. 03-0294

This project is a mechanism for collecting and sharing water quality information. Local Arkansas River experts will act as “river ambassadors,” talking with and working among the attendees of the Wichita River Festival, administering a quick survey and answering questions concerning the current conditions of local water quality. A return survey card will be provided with home water use questions. The data will be collected to gauge the public’s in-home practices related to water quality and reported to KDHE. The program also will disseminate water quality information to the public. Participants will be encouraged to sign the Clean Water Pledge, supporting water conservation. This is a demonstration project without prediction of success but with opportunity to talk with up to 350,000 Festival attendees.. Ambassadors will be working May 17th to reach the greatest number of people in one day of the 10-day event.

The City has prepared a grant application for submission to the Kansas Department of Health Environment (KDHE). The grant application was developed in consultation with City staff from Environmental Health and Water and Sewer, with the Dept. of Environmental Health serving as the lead.

The City is requesting a total of \$5,000. The grant requires a 40% cash or in-kind match. The in-kind match is based on staff’s salaries except for the “Ambassadors Working” line item, which is donated time.

Motion --
-- carried

Martz moved that the Grant Application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

CHILDCARE

CHILDCARE LICENSING GRANT APPLICATION.

Agenda Report No. 03-0295

The Environmental Health Department conducts inspections of childcare facilities and provides education for childcare providers within Sedgwick County on behalf of the Kansas Department of Health and Environment. KDHE provides an annual grant to fund these activities, and has solicited Environmental Health’s application for state fiscal year 2004 (July 1, 2003 through June 30, 2004.)

City staff has provided childcare licensing and education services for in excess of thirty years, providing a local point of contact for citizens and providers. Local operation of the program also enhances coordination with other agencies involved, such as the Fire Department and Office of Central Inspection. Environmental Health Staff enforce state regulations and utilize state enforcement mechanisms, as appropriate.

The grant application for state fiscal year 2004 totals \$ 301,879. The program is also supported by local inspection fees, which are estimated at \$ 114,600 for state fiscal year 2004. State funding and locally generated fees will offset all but \$ 21,000 of the total program cost of \$ 437,716.

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The grant agreement will be submitted to the Department of Law upon receipt, for approval as to form.

Motion --
-- carried

Martz moved that the Grant Application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

CERTIFICATION

CERTIFICATE OF CANVASS.

Certificate of Canvass of the votes cast in the Primary Election on February 28, 2003, determining that the following candidates were duly nominated for the General Election to be conducted on April 1, 2003:

Mayor

Carlos Mayans

Bill Warren

Council Member, District II

Susan Schlapp

Ray Frederick

Council Member, District IV

George R. Dean

Paul Gray

Council Member, District V

Bob Martz

Marty Marshall

Motion --
-- carried

Martz moved that the Certificate of Canvass be received and filed. Motion carried 5 to 0. (Fearey, Knight; absent)

PROPERTY ACQ.

ACQUISITION OF 502 WEST LINCOLN AVENUE. (District IV)

Agenda Report No.03-0296

On March 27, 2001, City Council approved funding for design agreements and right of way acquisition for the improvement of the intersection of McLean and Lincoln. The improvements will require the partial acquisition of the northwest corner of McLean and Lincoln. A 463 square foot triangular tract is required from this corner, which is owned by Rainbow Play Systems, Inc. This is the only tract needed for the project.

The permanent acquisition has been valued at \$2,900. The owner has agreed to accept this amount. If the project impacts any improvements, these will be replaced as part of the project.

The funding source is general obligation bonds. A budget of \$3,100 is requested for the acquisition including \$2,900 for the acquisition and \$200 for closing costs.

Motion --
-- carried

Martz moved that the budget and Contract be approved; and the necessary signatures be authorized Motion carried 5 to 0. (Fearey, Knight; absent)

PROPERTY ACQ.

ACQUISITION OF 5239 SOUTH HYDRAULIC. (District III)

Agenda Report No. 03-0297

South Hydraulic from MacArthur to 57th Street South was declared a major trafficway by City Council action on February 27, 2001. The improvements required to widen Hydraulic to four lanes, install a storm water drainage system, and place necessary landscaping will require the partial acquisition of twelve tracts. The second of the twelve tracts to be acquired is a portion of 5239 South Hydraulic, owned by Maurice and Mary Herridge. The property contains 1.83 acres and is improved with a 1,372 square foot residence.

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The planned improvement of Hydraulic will require a 2,050 square foot strip of land adjacent to Hydraulic. No improvements will be affected by the acquisition. An offer of \$2,050 has been accepted by the owners.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds. A budget of \$2,400 is requested. This includes \$2,050.00 for the acquisition, and \$350.00 for closing costs and title insurance.

Motion --

-- carried

Martz moved that the budget and Contract be approved; and the necessary signatures be authorized Motion carried 5 to 0. (Fearey, Knight; absent)

PROPERTY ACQ.

ACQUISITION OF SOUTHWEST CORNER OF HYDRAULIC AND 55TH STREET SOUTH. (District III)

Agenda Report No. 03-0298

South Hydraulic from MacArthur to 57th Street South was declared a major trafficway by City Council action on February 27, 2001. The improvements required to widen Hydraulic to four lanes, install a storm water drainage system, and place necessary landscaping will require the partial acquisition of twelve tracts. The first of the twelve tracts to be acquired is a portion of the Southwest Corner of Hydraulic and 55th Street South, owned by Iva Mae Long. The property contains 18.18 acres and is presently used for agricultural purposes.

The planned improvement of Hydraulic will require a 9,650 square foot strip of land adjacent to Hydraulic. No improvements will be affected by the acquisition. An offer of \$2,400 has been accepted by the owner.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds. A budget of \$2,800 is requested. This includes \$2,400.00 for the acquisition, and \$400.00 for closing costs and title insurance.

Motion --

-- carried

Martz moved that the budget and Contract be approved; and the necessary signatures be authorized Motion carried 5 to 0. (Fearey, Knight; absent)

PROPERTY ACQ.

ACQUISITION OF PORTION OF 5200 BLOCK OF SOUTH HYDRAULIC. (District III)

Agenda Report No. 03-0298

South Hydraulic from MacArthur to 57th Street South was declared a major trafficway by City Council action on February 27, 2001. The improvements required to widen Hydraulic to four lanes, install a storm water drainage system, and place necessary landscaping will require the partial acquisition of twelve tracts. The first of the twelve tracts to be acquired is a portion of the Southwest Corner of Hydraulic and 55th Street South, owned by Iva Mae Long. The property contains 18.18 acres and is presently used for agricultural purposes.

The planned improvement of Hydraulic will require a 9,650 square foot strip of land adjacent to Hydraulic. No improvements will be affected by the acquisition. An offer of \$2,400 has been accepted by the owner.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds. A budget of \$2,800 is requested. This includes \$2,400.00 for the acquisition, and \$400.00 for closing costs and title insurance.

Motion --

-- carried

Martz moved that the budget and Contract be approved; and the necessary signatures be authorized Motion carried 5 to 0. (Fearey, Knight; absent)

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PROPERTY ACQ.

ACQUISITION OF 5316 SOUTH HYDRAULIC. (District III)

Agenda Report No. 03-0300

South Hydraulic from MacArthur to 57th Street South was declared a major trafficway by City Council action on February 27, 2001. The improvements required to widen Hydraulic to four lanes, install a storm water drainage system, and place necessary landscaping will require the partial acquisition of twelve tracts. The fourth of the twelve tracts to be acquired is 5316 South Hydraulic, owned by Tommy and Virginia Moody. The property contains 36,291 square feet and is improved with a single family residence.

The planned improvement of Hydraulic will require a 1,500 square foot strip of land adjacent to Hydraulic. No improvements will be affected by the acquisition. An offer of \$750 has been accepted by the owners.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds. A budget of \$1,200 is requested. This includes \$750.00 for the acquisition, and \$450.00 for closing costs and title insurance.

Motion --
-- carried

Martz moved that the budget and Contract be approved; and the necessary signatures be authorized
Motion carried 5 to 0. (Fearey, Knight; absent)

PROPERTY DISP.

PUBLIC HOUSING HOME OWNERSHIP PLAN – SALE OF 551 SUMMITLAWN. (District V)

Agenda Report No. 03-0301

On March 17, 1998, the City Council approved a pilot program for the sale of the City's single-family public housing stock, and authorized staff to submit the plan to the Department of Housing and Urban Development (HUD) for approval. The pilot program calls for 100 units of public housing to be made available to existing public housing tenants, and then subsequently to individuals on the Public Housing and Section 8 waiting lists. The plan requires potential buyers to qualify for permanent first-mortgage financing, and includes an element for assistance with the down payment and closing costs required to complete the purchase. This assistance is provided in the form of a zero-interest deferred loan, secured by a second mortgage held by the City. No monthly payments are required on the second mortgage loan, and the loan is not due and payable until the property is sold or until such time as the owner ceases to use the property as his/her principal residence. Participation in a Maintenance Reserve Program is also required under the plan.

Units sold under the plan must be sold for current appraised value. In this particular case, the unit appraised for \$57,000. The buyer has pre-qualified for a first mortgage loan, and will be responsible for the payment of pre-paid interest, the first year's hazard insurance premium, and the amounts required by the lender for initial deposits to the escrow account, as required by the plan. The buyer's investment is estimated to be approximately \$1,140.00. The buyer of this unit is currently a public housing tenant.

Following Council approval, a release from HUD will be solicited and the actual closing on the home will occur on or before March 31, 2003.

The subject unit will be sold for \$57,000, with the City financing expected to be approximately \$12,000, for the required down payment, closing costs, and financing of the Maintenance Reserve Premium. Net proceeds from the sale, after deductions for normal seller-paid costs, homeownership training expenses, and the second mortgage are expected to be approximately \$44,000. The adopted 5h plan specifies that 35% of the proceeds from the sale will be set aside for loan loss reserves, which must be held for a minimum of five years. Sale proceeds in excess of the loan loss reserves will be placed in a dedicated housing account (Housing Partnership Fund), for the development of affordable housing. With this sale, the majority of the proceeds may be used for capitalization of the Maintenance Reserve Program.

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The purchase contract will be approved as to form by the City Law Department. The plan has been approved by Housing and Urban Development.

Motion --
-- carried

Martz moved that the sale be approved; Staff be authorized to obtain the necessary releases from HUD; and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

PROPERTY DISP.

SALE OF SURPLUS PROPERTY:SOUTHEAST CORNER OF DUGAN ROAD AND KELLOGG DRIVE. (District V)

Agenda Report No. 03-0302

An offer of \$6,000 has been received for the City-owned tract of vacant land at the southeast corner of Kellogg Drive and Dugan. The tract was acquired in 1994 in conjunction with the Kellogg/Dugan project. The site was originally 98 feet wide and developed with a service station. The project required removal of the improvements and left a remnant approximately 20 feet wide. The tract contains approximately 6,520 square feet.

The buyer intends to develop the parcel adjacent to the east with a motel. He will use the subject tract to get access to Dugan Road and for additional parking and landscaping. This site has been marketed but due to its configuration, the only viable user would be the adjacent landowner. There have been some prior offers that were contingent on acquisition of the tract to the east but none have been successful. All costs of rezoning, platting, etc. will be borne by the buyer.

The City will receive cash consideration from the sale of the property at closing. Upon sale, the property will return to the tax rolls and be redeveloped.

Motion --
-- carried

Martz moved that the sale and Contracts be approved; and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MARCH 4, 2003)

a) Tax exemption request – Weaver Manufacturing, Inc. (District I)

ORDINANCE NO. 45-667

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; describing the property of Weaver Manufacturing, Inc., and TDR, LTD., so exempted; and repealing Ordinance No. 45-179, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte, Knight.

b) Emergency wrecker services.

ORDINANCE NO. 45-668

An Ordinance amending Section 3.49.010 of the Code of the City of Wichita, Kansas pertaining to wrecker services and repealing the original of said Section, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte, Knight.

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- c) 2003 traffic signal program. (Districts IV and V)

ORDINANCE NO. 45-669

An Ordinance declaring the intersections of 21st Street North at 119th Street West, Macarthur at Meridian and MacArthur at Gold (2003 Traffic Signalization Program) 472-83609 to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte, Knight.

- d) Acquisition by eminent domain - tracts between 17th and 21st Streets North. (District I)

ORDINANCE NO. 45-670

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of Hillside Avenue from 17th Street to 21st Street North in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte, Knight.

- e) Acquisition by eminent domain - tract at 2930 South Hoover. (District IV)

ORDINANCE NO. 45-671

An Ordinance providing for the acquisition by eminent domain of certain private property easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of drainage East Hoover Road and south of Highway K-42 in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte, Knight.

- f) Kansas Sports Hall of Fame. (District V)

ORDINANCE NO. 45-672

An Ordinance amending Ordinance No. 45-376 authorizing the City of Wichita, Kansas, to issue certain General Obligation Bonds of the City in an amount not to exceed One Million Six Hundred Thousand Dollars (\$1,600,000) for the purpose of acquiring the real property and existing improvements located at 238 North Mead Avenue, in the City of Wichita, Sedgwick County, Kansas, and repairing, renovating and further improving said property for use by the Kansas Sports Hall of Fame, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte, Knight.

- g) Amendment of Schedule II authorizing and providing for the Issuance of General Obligation Renewal and Improvement Temporary Notes.

ORDINANCE NO. 45-666

An Ordinance amending Schedule II to Ordinance 45-544 of the City authorizing and providing for the issuance of General Obligation Renewal and improvement Temporary Notes, Series 207, of the City of Wichita, Kansas, in the total principal amount of \$90,700,000, read for the second time. Martz moved

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that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte, Knight.

h) ZON2002-00071 – south of Pawnee, west of Maize Road. (District IV)

ORDINANCE NO. 45-673

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte, Knight. ZON2002-00071

i) A02-23 – south of Kellogg, west of 143rd Street East. (District II)

ORDINANCE NO. 45-674

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte, Knight.

j) A03-06 – 1700 South 151st Street West, south of Highway 54 and east of 151st Street West. (District V)

ORDINANCE NO. 45-675

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte, Knight. A03-06

k) A03-07 – 4433 North Oliver, ¼ mile South of 45th Street North, west of North Oliver. (District I)

ORDINANCE NO. 45-676

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte, Knight. A03-07

PLANNING AGENDA

Martz moved that the Planning Agenda, except Item 49, be approved as consent Items. Motion carried 5 to 0. (Fearey, Knight; absent)

DED2003-07

DED2003-07 – DEDICATION OF ACCESS CONTROL ON THE SOUTHWEST CORNER OF FUNSTON AND BROADWAY. (District III)

Agenda Report No. 03-0303

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of a Conditional Use (CON 2002-54) and is being submitted for the dedication of access control, except for two openings, along Broadway Avenue.

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The Dedication has been reviewed and approved by the Planning Commission.

There are no financial considerations:

The Dedication will be recorded with the Register of Deeds.

Motion -- carried

Martz moved that the documents be accepted. Motion carried 5 to 0. (Fearey, Knight; absent)

SUB2002-79

SUB2002-79 – PLAT OF WOODLAND LAKES ESTATES THIRD ADDITION – SOUTH OF LINCOLN, WEST OF 127TH STREET EAST. (District II)

Agenda Report No. 03-0304

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This plat is the south portion and third phase of the overall preliminary plat (Woodland Lakes Estates Addition) that was approved for this site in 1995. This site is zone “SF-5” Single-Family Residential District.

Petitions, all 100%, have been submitted for sanitary sewer, drainage, water, paving and traffic improvements. A Certificate of Petitions has been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion --

-- carried

Martz moved that the document and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 5 to 0. (Fearey, Knight; absent)

RESOLUTION NO. 03-130

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89785 (south of Lincoln, west of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

RESOLUTION NO. 03-131

Resolution of findings of advisability and Resolution authorizing construction Water Distribution System Number 448-89786, (south of Lincoln, west of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

RESOLUTION NO. 03-132

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89787, (south of Lincoln, west of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

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RESOLUTION NO. 03-133

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89788, (south of Lincoln, west of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

RESOLUTION NO. 03-134

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89789, (south of Lincoln, west of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

RESOLUTION NO. 03-135

Resolution of findings of advisability and Resolution authorizing construction of lateral 345, Four Mile Creek Sewer (south of Lincoln, west of 127th Street East) 468-83588, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

RESOLUTION NO. 03-136

Resolution of findings of advisability and Resolution authorizing construction of Lateral 346, Four Mile Creek Sewer (south of Lincoln, west of 127th Street East) 468-83589, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

RESOLUTION NO. 03-137

Resolution of findings of advisability and Resolution authorizing construction of Lateral 347, Four Mile Creek Sewer (south of Lincoln, west of 127th Street East) 468-83590, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

RESOLUTION NO. 03-138

Resolution of findings of advisability and Resolution authorizing construction of Lateral 348, Four Mile Creek Sewer (south of Lincoln, west of 127th Street East) 468-83591, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

RESOLUTION NO. 03-139

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 199 (south of Lincoln, west of 127th Street East) 468-83592, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

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RESOLUTION NO. 03-140

Resolution of findings of advisability and Resolution authorizing improving of Storm Water Sewer No. 587 (south of Lincoln, west of 127th Street East) 468-83593, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

ESOLUTION NO. 03-141

Resolution of findings of advisability and resolution authorizing improving Zelta from the south line of Lincoln to the east line of Lot 46, Block 5; Zelta Court serving Lots 1 through 9, Block 1 from the west line of Zelta to and including the cul-de-sac; Zelta Court serving Lots 23 through 29, Block 3 from the east line of Zelta to and including the cul-de-sac; Bracken from the north line of Zimmerly to the west line of Zelta; Bracken Court serving Lots 14 through 18, Block 2 from the south line of Bracken to and including the cul-de-sac; Zimmerly from the west line of Lot 20, Block 1, to the west line of Zelta; Zimmerly Court serving Lots 12 through 22, Block 3, from the north line of Zimmerly to and including the cul-de-sac; sidewalk on one side of Zimmerly from the east line of Bracken, to the west line of Zelta; sidewalk on the west side of Zelta from the south line of Lincoln to the west line of Lot 46, Block 5. sidewalk on the east side of Zelta from the south line of Lincoln to the north line of Lot 31, Block 3. sidewalk on one side of Bracken from the north line of Zimmerly to the west line of Zelta, (south of Lincoln, west of 127th Street East) 472-83715, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

RESOLUTION NO. 03-142

Resolution of findings of advisability and Resolution authorizing serving Lots 1 through 14, Block 5 from the southline of Zimmerly to and including the cul-de-sac; Zimmerly Court serving Lots 15 through 33, Block 5 from the south line of Zimmerly to and including the cul-de-sac, (south of Lincoln, west of 127th Street East) 472-83716, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

RESOLUTION NO. 03-143

Resolution of findings of advisability and Resolution authorizing improving Glenmoor from the north line of Zimmerly to the south line of Lincoln; Glenmoor Court serving Lots 1 through 9, Block 4 from the east line of Glenmoor to and including the cul-de-sac; Glenmoor Court serving Lots 13 through 26, Block 4 from the east line of Glenmoor to and including the cul-de-sac; sidewalk on one side of Glenmoor from the north line of Zimmerly to the south line of Lot 13, Block 4, (south of Lincoln, west of 127th Street East) 472-83717, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

RESOLUTION NO. 03-144

Resolution of findings of advisability and Resolution authorizing improving Zimmerly from the west line of Lot 47, Block 5 to the east line of Lot 61, Block 5; Zimmerly Court serving Lots 48 through 57, Block 5 from the south line of Zimmerly to and including the cul-de-sac; Zimmerly Court serving Lots 31 through 34, Block 4, from the north line of Zimmerly to and including the cul-de-sac; Zimmerly court serving Lots 34 through 46, Block 5 from the south line of Zimmerly to and including the cul-de-sac; with a sidewalk on one side of Zimmerly from the west line of Lot 47, Block 5 to the east line of Lot 61, Block 5 (south of Lincoln, west of 127th Street East) 472-83718, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas,

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presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

RESOLUTION NO. 03-145

Resolution of findings of advisability and Resolution authorizing improving Zimmerly from the east line of Lot 61, Block 5, to the west line of 127th Street East. Sidewalk on one side of Zimmerly from the east line of Lot 61, Block 5 to the west line of 127th Street East, (south of Lincoln, west of 127th Street East) 472-83719, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

RESOLUTION NO. 03-146

Resolution of findings of advisability and Resolution authorizing improving a northbound left turn lane on 127th Street East at Zimmerly (south of Lincoln, west of 127th Street East) 472-83720, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

SUB2002-109

SUB2002-109 – PLAT OF IRONHORSE AT OXFORD ADDITION – WEST SIDE OF WOODLAWN, SOUTH OF 29TH STREET NORTH. (District II)

Agenda Report No. 03-0305

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (12-0)

This site has been approved for a zone change (ZON 2002-52) from “SF-5” Single-Family Residential District to “TF-3” Two-Family Residential District.

Petitions, all 100%, have been submitted for sanitary sewer, water, paving and traffic improvements. A Certificate of Petitions has been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion --

Martz moved that the documents and Plat be approved; the necessary signatures be authorized; the Resolutions be adopted; and the ZON 2002-52 Ordinance be placed on first reading with publication being withheld until such time as the Plat is recorded with the Register of Deeds. Motion carried 5 to 0. (Fearey, Knight; absent) Petitions be approved and the Resolutions be adopted. Motion carried 5 to 0. (Fearey, Knight; absent)

-- carried

RESOLUTION NO. 03-147

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89784, (west of Woodlawn, south of 29th Street North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

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RESOLUTION NO. 03-148

Resolution of findings of advisability and Resolution authorizing improving of Lateral 73, Main 5, Sanitary Sewer #23, (west of Woodlawn, south of 29th Street North) 468-83575, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

RESOLUTION NO. 03-149

Resolution of findings of advisability and Resolution authorizing improving Ironhorse/Ironhorse Circle from the west line of Woodlawn to and including the cul-de-sac; Hillcrest/Hillcrest Circle from the south line of Ironhorse to and including the cul-de-sac; Oxford from the south line Ironhorse to the west line of Hillcrest (west of Woodlawn, south of 29th Street North) 472-83707, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

RESOLUTION NO. 03-150

Resolution of findings of advisability and Resolution authorizing improving a north-bound left turn lane on Woodlawn into Ironhorse Street, (west of Woodlawn, south of 29th Street North) 472-83708, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Knight; absent) Yeas: Brewer, Gale, Lambke, Martz, Pisciotte.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2002-52

VAC2003-00002

VAC2003-00002 – VACATE PORTION OF PLATTED EASEMENT NORTHWEST OF 29TH STREET NORTH AND WEBB ROAD.

Agenda Report No. 03-0306

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicant is requesting consideration for the vacation of a portion of the platted easement as recorded on Lots 1, 2, 3, & 4, Block 1, Mediterranean Office Park Addition. The applicant proposes expansion of the existing medical buildings. The applicant has applied for a lot split to reduce the number of lots (excluding a lot already developed = Lot 5) and reconfigure them. The Mediterranean Office Park Addition was recorded with the Register of Deeds July 28, 1997.

There are no water or sewer services in the easement proposed for vacation. Because of the proposed development of the property and the properties adjacent to it there will be no need for the easement to be used for any future water or sewer lines. There are no private utilities in the easement and there are no plans for private utilities to be in the easement. The City of Wichita Water Department noted that water service to the site must come off of the existing City water line running parallel to Cypress Street, on the west side of the site.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

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A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Martz moved that the Vacation be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

(Item 49)
ZON2002-00073

ZON2002-00073 – ZONE CHANGE FROM GENERAL COMMERCIAL AND SINGLE-FAMILY RESIDENTIAL TO GENERAL COMMERCIAL – SOUTH OF 61ST STREET SOUTH, EAST OF SENECA. (District IV)

Agenda Report No. 03-0307

MAPC Recommendation: Deny “GC” General Commercial, approve “OW” Office Warehouse subject to replatting within one year. (9-0)

D.A.B. Recommendation: Deny “GC” General Commercial, approve “OW” Office Warehouse subject to replatting within one year. (5-1)

Staff Recommendation: Deny

The applicant requests a zone change from “GC” General Commercial and “SF-5” Single-Family Residential to “GC” General Commercial on a 0.94 acre platted tract located south of 61st Street South and east of Seneca. The applicant has not determined a specific use for the subject property other than to state that the rezoning is requested to permit the construction of commercial buildings and that the “GC” General Commercial zoning district was specifically requested to allow for the potential to develop an auto-body shop.

The surrounding area is characterized primarily by suburban residential uses, with a few commercial uses along the Seneca corridor between 55th Street South and 63rd Street South. Most of the properties in the area are zoned “SF-5” Single-Family Residential and are developed with single family residences. Several residentially-developed and vacant properties along Seneca are zoned “GC” General Commercial and “LC” Limited Commercial, including the two vacant lots immediately north of the subject property, which are owned by the applicant. Vehicle repair businesses on property zoned “GC” General Commercial are located one-half block to the south on the west side of Seneca. The other two commercial business in this area are located one-quarter mile to north on the west side of Seneca. These businesses are a nursery and garden center on property zoned “GC” General Commercial and a manufacturing business on property zoned “LI” Limited Industrial.

On January 23, 2003, the Metropolitan Area Planning Commission (MAPC) considered the above-referenced zone change request. The MAPC voted to defer the request to the February 20, 2003 MAPC hearing to allow time for the applicant to work with staff on drafting a proposed Protective Overlay for the requested “GC” General Commercial zoning district.

On February 5, 2003, the District Advisory Board for District IV (DAB IV) considered the above-referenced zone change request and voted to approve “OW” Office Warehouse zoning for the property instead of the requested “GC” General Commercial zoning. At the DAB IV hearing, the applicant indicated that he is willing to accept a rezoning to “OW” Office Warehouse; therefore, staff did not work with the applicant to draft a Protective Overlay for the “GC” General Commercial zoning district.

On February 20, 2003, the MAPC voted (9-0) to approve “OW” Office Warehouse zoning subject to replatting the property within one year. There were no speakers in opposition at any of the three meetings on the request. However, written protest petitions representing over 31% of the land area within a 200-foot radius of the subject property were filed with the City Clerk; therefore, a three-fourths majority vote of the City Council (6 affirmative votes) is required to approve a zone change for the subject property.

Council Member Gale

Council Member Gale said this item is a change from the original request and he would like to refer it back to the DAB and MAPC to allow residents to learn more about the new recommendation.

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Motion--
-- carried

Gale moved that this Item be referred back to the DAB and MAPC. Motion carried 5 to 0. (Fearey, Knight; absent)

ZON2003-00001

**ZON2003-00001 – ELIMINATE RESTRICTIVE COVENANT NO. 18 TO ALLOW
CONVERSION OF EXISTING GARAGE INTO AN APARTMENT UNIT – SOUTH OF
SECOND STREET NORTH, WEST OF ATHENIAN. (District VI)**

Agenda Report No. 03-0308

MAPC Recommendation: Approve, subject to Protective Overlay #121. (9-0)
Staff Recommendation: Approve, subject to Protective Overlay #121.
D.A.B. Recommendation: Approve, subject to Protective Overlay #121. (8-0)

The applicant requests elimination of Restrictive Covenant #18 on an unplatted, 1.54-acre site. The purpose of the request is to allow for the conversion of an existing detached garage to an apartment dwelling unit.

The Martinson Elementary School site was rezoned in 1992 from “A” Two-Family to “R-5” General Residence; subsequent Uniform Zoning Code (UZC) updates resulted in “MF-18” zoning which permits 18 dwelling units per acre. Several neighbors opposed the 1992 zone change, citing concerns with neighborhood character and traffic. Restrictive Covenant #18 was put in place to limit the multi-family development to 10 units, all within the existing school building. The Restrictive Covenant further specifies that the restrictions shall not be changed or terminated without a public hearing before MAPC and the Wichita City Council, and legal notification to surrounding property owners - just as in zone change cases. Changes or termination of the Restrictive Covenant requires approval by City Council.

The application area is currently developed with 8 apartments within the Martinson School building. Most of the properties surrounding the application area are zoned “SF-5”, and developed with single-family residences. Much of the surrounding Delano Neighborhood recently rezoned from “TF-3” to “SF-5”. Northeast of the site is property zoned “LI” Limited Industrial, and developed with commercial and limited industrial uses.

The proposed conversion apartment is located adjacent to a platted alley. An apartment conversion would require conformance to all property development standards in the Wichita-Sedgwick County Unified Zoning Code (UZC), and would require conformance to City building codes.

At the District VI Advisory Board meeting held on February 19, 2003, the board voted (8-0) to approve the request to eliminate Restrictive Covenant #18, subject to a protective overlay as recommended by staff. No members of the public were present to speak on the application.

At the MAPC hearing held on February 20, 2003, MAPC voted (9-0) to recommend eliminating Restrictive Covenant #18, subject to Protective-Overlay #121. No citizens were present to speak on the case. No protests have been received.

Motion --

-- carried

Martz moved that Council concur with the findings of the MAPC and approve the elimination of Restrictive Covenant #18, subject to the additional recommended provisions of a Protective Overlay District; and that the Ordinance be placed on first reading. Motion carried 5 to 0. (Fearey, Knight; absent)

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON2003-00001

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ZON2003-00002

ZON2003-00002 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO MULTI-FAMILY RESIDENTIAL – NORTHEAST CORNER OF MAPLE AND ROBIN – 254 SOUTH ROBIN. (District V)

Agenda Report No. 03-0309

MAPC Recommendation: Approve, subject to staff recommendation. (8-1)

Staff Recommendation: Approve, subject to conditions.

The applicant requests a zone change from “SF-5” Single-Family Residential to “MF-18” Multi-Family Residential on a 0.6 acre platted tract located at the northeast corner of Maple and Robin. The subject property is Lot 32, excluding the north 150 feet thereof, Park Acres 2nd Addition and is developed with a single-family residential structure that is currently used as a group home licensed by the State of Kansas as an adult care home. The Unified Zoning Code defines such a use as “Group Home, Limited”, which is permitted by right in the “SF-5” Single-Family Residential zoning district. The applicant has requested the zone change to “MF-18” Multi-Family Family to provide the flexibility to operate an assisted living facility, which has fewer operational restrictions in the zoning regulations and is permitted a sign to advertise the business. An assisted living facility is first permitted by right in the “MF-18” Multi-Family zoning district.

The surrounding area is characterized by mixed-use commercial, institutional, and residential development. The properties to the north are zoned “SF-5” Single-Family Residential and are developed with single-family residences. The properties to the south across Maple are zoned “LC” Limited Commercial and “SF-5” Single-Family Residential and are developed with apartments and a church. West of the subject property across Robin are a drive-in restaurant, a neighborhood shopping center, and a convenience store on properties zoned “LC” Limited Commercial. The properties to the east are zoned “MF-18” Multi-Family Residential, “B” Multi-Family Residential, and “NO” Neighborhood Office and are developed with multi-family and office uses.

Since the abutting property to the north is zoned “SF-5” Single-Family Residential, screening and buffer landscaping will be required along the north property line. The subject property likely meets the buffer landscaping requirements but does not meet the screening requirements. Screening may be provided along the north property line by decorative fencing, evergreen vegetation, or landscaped earth berms. The compatibility setback standards require a minimum 25-foot building setback along the north property line. The subject property meets the compatibility setback requirement. Since the subject property has frontage along an arterial street, a landscaped street yard and parking lot screening will be required along the south property line for any new construction of buildings or parking areas. The street right-of-way, access controls, and utility easements do not meet current standards of the Subdivision Regulations and will need to be upgraded through dedications.

The subject property may not meet the Unified Zoning Code parking requirements since numerous vehicles from the subject property park on Robin Road on a daily basis. The Unified Zoning Code parking requirement is one space per employee plus one space per resident that is permitted to drive. Parking in residential zoning districts cannot be located within the front or street side setback without approval of a Zoning Adjustment by the Planning Director and Zoning Administrator. For the subject property, any additional parking spaces required cannot be located closer than 25 feet from Maple or 20 feet from Robin without approval of a Zoning Adjustment, and if a Zoning Adjustment is approved, parking spaces could be located no closer than eight feet from either the south or west property line.

There were no speakers in opposition to the request at the MAPC hearing on February 20, 2003; however, two neighborhood residents that own property outside the 200-foot protest petition area submitted letters expressing concerns regarding the request, especially concerns with the parking situation. The MAPC voted (8-1) to approve the request subject to meeting the following conditions within 60 days of approval:

1. The subject property shall comply with the Unified Zoning Code parking requirements.
2. Dedication by separate instrument of an additional two feet of utility easement along the entire length of east property line.

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3. Dedication by separate instrument of complete access control for Maple along the entire length south property line.
4. Dedication by separate instrument of an additional 20 feet of street right-of-way for Maple along the entire length south property line.

Motion --

Martz moved that the Council concur with the findings of the MAPC and approve the zone change subject to the recommended conditions; the Ordinance be placed on first reading, with publication being withheld until the dedications are recorded with the Register of Deeds. Motion carried 5 to 0. Council Member Fearey, absent.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON2003-0002

A03-08

A03-08 – ANNEX LAND SOUTH OF 29TH STREET NORTH, WEST OF MAIZE ROAD, ADJACENT TO PARKDALE STREET. (District V)

Agenda Report No. 03-0310

The City has received a request to annex 28.13 acres of land situated immediately south of 29th Street North, north of Parkdale Street and approximately ½ mile west of Maize Road. The site abuts the City of Wichita directly to the west and south. The applicant wishes to plat the annexation area as the Evergreen 4th Addition, and develop the site for 74 single family residential units phased over three years.

Land Use and Zoning: The annexation area is presently in agricultural use and zoned “SF-20” Single Family Residential. Lands surrounding the proposed annexation site to the west and south have recently been developed for residential uses and are zoned “SF-5” Single Family Residential. Lands to the east and north are currently in agricultural use and zoned “SF-20” Single Family Residential. The “SF-20” Single Family Residential zoning of the annexation parcel will convert to “SF-5” Single Family Residential upon annexation.

Public Services: Wichita water and sanitary sewer service is readily available to this site.

Street System: The property requested for annexation has access to Maize Road (four-lane paved surface road) that serves the area as the nearest north-south arterial road, and 29th Street North (two-lane unpaved road) that serves the area as the nearest east-west arterial road. The 2002-2011 City of Wichita Capital Improvement Program has identified future urban paving improvements to 29th Street North, between 119th Street West and Maize Road, with design work scheduled in 2006 and construction scheduled in 2008.

Public Safety: Under the City-County first response agreement, fire services to this site currently can be provided within a seven (7) to eight (8) minute approximate response time from City Fire Station #16 located at 1632 North Tyler Road. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: The nearest park is Sunset Park, located approximately two (2) miles southeast of the annexation site. A paved bike path is located one (1) mile to the south along 21st Street North.

School District: The annexation property is located in Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan.

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The current approximate appraised value of the proposed annexation area is \$5,730, with a total assessed value of \$1,719. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$54 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of development and the current mill levy. However, the property owner projects an overall appraised value of \$12,210,000 for residential use when development is completed. Assuming the current City levy remains about the same, this development mix would roughly yield \$1,404,150 in appraised valuation and \$44,099 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Martz moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 5 to 0. (Fearey, Knight; absent)

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A03-08

AIRPORT AGENDA

AIRPORT

PRATT AND WHITNEY SUPPLEMENTAL AGREEMENT.

Agenda Report No. 03-0311

In 1983, Pratt & Whitney entered into a lease agreement with the Wichita Airport Authority for the construction of a facility at 1955 Midfield Road. The lease term was for a ten-year period, with three five-year renewal options. For the past 20-year period, Pratt & Whitney has paid land rent to the Wichita Airport Authority. The agreement stipulates that during the third renewal option (commencing March 1, 2003) that facility rent be paid at 50% of fair market rental value.

An appraisal was completed by Steve Martens, President, The Martens Companies, in February of this year. Mr. Martens states that the fair market rental value of the facility for the five-year period is \$70,221 per year.

One-half of fair market value will yield \$35,110.50 per year during the five-year period, commencing March 1, 2003. This amount is composed of \$28,667.49 for facility rent and \$6,443.01 for land rent.

Motion --
-- carried

Martz moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

AIRPORT

TELEPHONE EQUIPMENT MAINTENANCE.

Agenda Report No. 03-0312

The Airport Department operates the telephone systems on Mid-Continent and Jabara Airports. Tenants are re-billed for use of the system equipment and for telecommunication services, which are purchased at a volume discount and resold with a markup that still results in a savings for the users. Net revenues to the WAA are in excess of \$250,000 per year. The WAA has contracted with Comm Link since 1996 to provide maintenance of the telecommunications equipment at both airports.

Two certified Rolm/Siemens maintenance providers operate in the Wichita market at this time – Comm Link, Inc. and Siemens Communications. Siemens Communications has informed City staff that they no longer provide maintenance for the equipment used at Mid-Continent Airport. The agreements are for one year, and include a 90-day termination and payment cancellation clause.

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The cost of providing the maintenance services at Mid-Continent Airport is \$78,325.08, which is an increase of \$13,774.92. This increase reflects the cost of maintaining equipment added recently for tenant use, and the fact that the contract price did not increase at all in the prior contract period. The cost of providing these services at Jabara Airport is \$9,640.08, which is the same as it has been since 2001. Funds are available in the current operating budget for this service.

Motion --
-- carried

Martz moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

AIRPORT

U.S. DEPARTMENT OF AGRICULTURE.

Agenda Report No. 03-0313

The U. S. Department of Agriculture/Wildlife Services assists public and private agencies in the control of wild animals and birds injurious to agriculture, horticulture, forestry, animal husbandry, wildlife, property, and public health and safety. Wildlife Services (WS) also provides assistance to the FAA in resolving wildlife hazards to aviation, thus enhancing public safety. In 2000, the WAA entered into an agreement with the U. S. Department of Agriculture to provide funding for a specialist to provide services to Wichita Mid-Continent Airport, and this agreement has been renewed annually.

WS prepared a cooperative services agreement to collect biological assessment information, provide continuous wildlife management assistance to Airport personnel and assist Airfield Operations and Maintenance personnel by responding directly to known wildlife nuisances and hazards. The objective/goal also includes a year-long wildlife hazard analysis and development of a report consisting of wildlife species found within the airport environment, wildlife abundance, seasonal wildlife population trends, peak usage periods, special hazard zones, environmental and man-made habitat factors that encourage wildlife, management recommendations, and the legal status of problem species. Information is compiled for both Mid-Continent and Jabara Airports.

The cost estimate for the services provided is \$22,798 for the seven-month period through September 30, 2003. This amount includes personnel costs as well as supplies and materials. One specialist will be assigned to the project for approximately 31 hours per week. Work hours will vary to most appropriately interact with wildlife management issues. Funds are included in the operating budget.

Motion --
-- carried

Martz moved that the Agreements be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

AIRPORT

AIRFIELD PAVEMENT SHOULDER REHABILITATION.

Agenda Report No. 03-0314

The 2003 Capital Improvement Program (CIP) provides for Airfield Pavement Rehabilitation.

The Staff Screening and Selection Committee interviewed three firms and selected Wilson & Company to provide consulting services for the Runway 1L/19R and Taxiway "D" shoulder rehabilitation.

The contract for design and bidding phase services is \$23,500. The total project is estimated to cost \$395,000, which will ultimately be funded with AIP grant funds and Passenger Facility Charge Funds. Airport revenue will be used as interim funding.

Motion --
-- carried

Martz moved that the project and the design/bid services Contract be approved; and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Knight; absent)

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AIRPORT

AIRFIELD PAVEMENT TAXIWAY CONSTRUCTION.

Agenda Report No. 03-0315

The construction of the Taxiway "N" project is included in the 2003 Capital Improvement Program. This project is shown in the Airport Master Plan to be accomplished at this time. On June 4, 2002 City Council approved a contract with Professional Engineering Consultants for the design/bid services for Taxiway "N".

The existing pavement is in need of reconstruction and new pavement sections of the project will provide increased airfield capacity.

The taxiway project construction, construction related services and administrative costs are estimated at \$8,980,000. Ninety percent of the expenses are anticipated to be funded by an FAA grant which will be issued once bids are received. A bid will not be recommended for award until the grant has been approved. The ten percent matching funds will be funded with Passenger Facility Charges. Any items the FAA determines ineligible for FAA participation will be funded with Airport revenue.

Motion -- carried

Martz moved that the budget be approved. Motion carried 5 to 0. (Fearey, Knight; absent)

EXECUTIVE SESSION

Motion --

Martz moved that the City Council recess and move to executive session at 12:30 p.m. to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to potential litigation, and legal advice; preliminary discussions relating to the acquisition of real property for public purposes; confidential data relating to the financial affairs or trade secrets of a business; and matters relating to security of public bodies or agencies, public buildings or facilities, or information systems; and that the Council return no earlier than 1:00 p.m. Motion carried 5 to 0. (Fearey, Knight; absent)

-- carried

RECESS

The City Council recessed at 12:11 p.m. and reconvened at 1:25 p.m.

Vice Mayor Martz

Vice Mayor Martz announced that no action was required as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 1:25 p.m.

Pat Graves CMC
City Clerk